

**Indiana Department of Transportation**

**Land Acquisition Division**

# **RELOCATION PROGRAM MANUAL**



**January 2006**

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# Relocation Manual

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# INDOT

## MISSION STATEMENT:

INDOT will plan, build, operate, and maintain a superior transportation system enhancing safety, mobility and economic growth.

## GOALS:

Safety, Mobility, Economic Development, Customer Service,  
Resource Management and Training

## VALUE STATEMENT:

Customer Focus, People, Continuous Improvement, Agility and  
Safety

## MEASUREMENT FOR SUCCESS:

Timeliness - Cost - Quality

## **Introduction**

When families, individuals, businesses, farms, or non-profit organizations occupy land for highway projects, it may be necessary to displace the occupants in order to facilitate the completion of a project. The Uniform Relocation Assistance and Real Property Acquisition Policy Act was drafted in order to provide certain benefits and protections for persons displaced by highway projects which are entirely or partially funded by the Federal Government and the Department of Transportation.

Under the Uniform Relocation Act, individuals, business owners or tenants, and residential owners or tenants that are displaced are provided payments and services to assist them in moving their personal property, as well as various supplemental payments and advisory services. The Act also outlines how government agencies must conduct purchases of occupied lands and sets clear guidelines for acquiring and relocating parcels of land.

The provisions of the Uniform Act containing relocation regulations are found in Public Law 91-646, Public Law 100-17 and (49 Code of Federal Regulations 24). The purpose of the law is to ensure fair, consistent, and equitable treatment of displaced persons so that such persons do not suffer disproportionate injury from projects designed to benefit the public as a whole; expedite acquisitions by agreement with such owners and minimize litigation and congestion in the courts; ensure Agencies implement regulations in a efficient and cost effective manner; and promote public confidence in Federal and federally assisted land acquisition programs. The basis for the law is very important and should be referred to often when dealing with difficult decisions or questions.

In order for a highway project to be successfully completed it is essential that relocation needs be evaluated before a project is started and during the entire process of the project. Without a firm grasp of the needs of the people, businesses, homes, etc. being affected, the potential for delays in construction as well as increased project costs overall become more prevalent.

The following chapters deal with specific guidelines for relocation planning, commercial relocations, residential relocations, advisory assistance, and useful supplemental information regarding INDOT's relocation program policies and procedures.

## **Purpose of the Relocation Manual**

This Relocation Program Manual describes the procedures and policies to be followed to ensure the fair and equitable treatment of persons displaced as a result of State and/or Federal aid projects or programs so that such persons shall not suffer disproportionate injury as a whole.

The purpose of this manual is to ensure that the program is administered in an equitable and uniform manner to all displaced persons. This is required by the Uniform Relocation and Real Properties Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et seq.; Pub. L. 91-646), and amendments thereto, in accordance with the provisions of Department of Transportation Regulations, 49 CFR Part 24 and Indiana Code 1971, 8-13-18.5-10.



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Division of Land Acquisition

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## **Conflicts of Interest Statement**

No official or employee of the Indiana Department of Transportation who is authorized in his official capacity to negotiate, make, accept or approve, or to take part in negotiating, making, accepting or approving any contract or subcontract in connection with a project shall have, directly or indirectly, any financial or other personal interest in any such contract or subcontract. No engineer, attorney, appraiser, inspector or other person performing services for the Indiana Department of Transportation in connection with a project shall have, directly or indirectly, a financial or other personal interest, other than his employment or retention by the Indiana Department of Transportation, in any contract or subcontract in connection with such project. No officer or employee of such person retained by the Indiana Department of Transportation shall have, directly or indirectly, any financial or other personal interest in any real property acquired for a project unless such interest is openly disclosed upon the public records of the Indiana Department of Transportation, and such officer, employee or person has not participated in such acquisition for and in behalf of the State. It shall be the responsibility of the Indiana Department of Transportation to enforce the requirements of this section.

The signer acknowledges that he or she has read and received a copy, and fully understands and agrees to abide by the above statement.

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Date

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Employee / Agent

---

Date

---

Manager / Supervisor

## CHAPTER 1. COMMUNICATION AND RELOCATION ADVISORY SERVICE

One of the most important functions of any relocation program is to provide the services needed by persons being displaced by the project. The State is required to provide relocation services to minimize hardships and to carry out an orderly and humane relocation program. A relocation program will be successful only if services are provided by the personal contact of a Relocation Specialist who understands and is knowledgeable of the Uniform Relocation Act and its policies and is willing to provide the assistance needed by displaced persons.

Relocation advisory services are interrelated with all other program requirements from the preliminary interview to the final payment of relocation claims. Relocation services are the "frame of reference" embracing all program requirements.

A. ELIGIBILITY REQUIREMENTS. Persons responsible for providing relocation assistance are required to help or at least offer to help:

1. All persons occupying property to be acquired.
2. All persons occupying property adjacent to real property to be acquired when the State makes the determination that such person will be caused substantial economic injury because of the acquisition.
3. Any person who, because of the acquisition of real property used for a business or farm operation, moves from other real property used for a dwelling, or moves personal property from such other real property. Such persons are entitled to relocation assistance advisory services and may be eligible for moving cost reimbursement. There is no eligibility, however, for replacement housing payments.
4. Any person who occupies property acquired by the State, when such occupancy began subsequent to the acquisition of the property, and the occupancy is permitted by a short-term rental agreement or an agreement subject to termination when the property is needed for a program or project. Subsequent occupants have no eligibility for relocation payments.

B. ADVISORY SERVICES. Relocation assistance is necessary on all federal and federally-aided projects where displacement will occur. Relocation assistance is required by the law and has equal, if not greater importance than payments. The Relocation Specialist must provide as a minimum the following services to persons who will be displaced:

1. Explain the relocation services which are available and the various types of relocation payments.
2. Discuss and explain eligibility requirements necessary to receive relocation benefits, and determine the eligibility of each displaced person.

3. Determine the needs of displaced persons for relocation advisory services, and make a sincere offer to help in any way possible.
4. Provide assistance to persons displaced from dwelling units, businesses including nonprofit organizations and farm operations.
5. Provide current listings and prices of available and comparable for sale and rental properties on a continuing basis. This requirement applies to residential units, businesses including nonprofit organizations and farm operations.
6. Provide information concerning federal and State housing programs, federal loan programs and other governmental programs offering relocation assistance to displaced persons.
7. Provide any necessary assistance in completing application and claim forms.
8. Provide relocation advisory services commensurate with the needs of each displaced person, in order to minimize hardship associated with adjusting to a new location.
9. Offer to provide transportation for displaced persons to inspect housing to which they are referred.

Even this minimal amount of assistance will be helpful to those who are being helped. However, in some instances it is necessary to go beyond these minimum assistance requirements. Many problems and possibly misunderstandings can be avoided if as much time as necessary is taken to provide a comprehensive explanation of benefits and assistance available.

- C. INTERVIEWS. It is necessary to become acquainted with the displaced person to give more than minimum assistance. After you know the displaced person, you can tailor your assistance to meet his/her special needs, and you can make appropriate referrals when applicable. By taking some additional time in the beginning, you will be more effective and probably save time and effort.

You cannot provide more than a minimal level of assistance without conducting a thorough interview with the person to be displaced. You may need to improve your interviewing skills. Here are some guidelines.

1. Interviewing success depends heavily on preparation.
  - a. Decide why you are conducting an interview.
  - b. Determine what outcome you want, the information you need, and the information you will give.
  - c. Develop ways to achieve that outcome.

These three items will change as you progress from the initial interview to each subsequent interview. Each time the outcome should become more specific.

2. Develop as much information about the person(s) to be interviewed as possible before the interview. Use written background information when available.
  - a. The parcel file may contain information obtained during an earlier survey, possibly for relocation planning purposes.
  - b. The appraiser, the negotiator (buyer), a welfare worker, or any other person who may have had prior contact with the potential displaced person will have first hand information.
  - c. If the person is a tenant, you may want to talk with the landlord.
  - d. If you have interviewed the person previously, you may want to refresh your memory by reviewing your notes.
3. Plan the interview carefully.
  - a. Determine the purpose of the interview. Is the purpose to give information about the project, benefits, eligibility requirements, or are you prompting action? Some action is required. The displaced person must move, and a decision is necessary regarding the method to be used, such as a commercial mover, a self-move based on a schedule or a combination of both.
  - b. Identify specific topics to be covered, their order, and the best method of presentation.
  - c. Have a specific time period in mind before you start the interview. Do not exceed 90 minutes. Two shorter interviews are better than an overly long one. On the other hand, don't cut off an interview in which the person is fired up and communicating.
4. Arrange the interview properly.
  - a. Have the right person request the interview. Either you or another staff person will generally be most appropriate.
  - b. Choose the manner of request carefully.
    - (1) Arouse interest.

- (2) Be positive, pleasant and prepared, but flexible.
- (3) Explain the purpose of the interview.
- (4) Tell who will conduct the interview and why. Do not imply that he/she is going to solve all their problems.

5. Interviews can have many purposes.

a. To become acquainted with the interviewee.

Broad general questions are good at the onset of the interview to become acquainted.

b. To collect information.

Design questions carefully in advance. Use an interview form (RAAP 3) for the initial questions. Factual information is needed and is the least threatening, so the most readily obtainable.

c. To convey information.

- (1) Look at the problem from the interviewee's point of view. He or she is most interested in the direct effects on his or her self and family. Community impacts are secondary.
- (2) Impart information, requirements, options, restrictions, and procedures in a way that makes the interviewee receptive to your point of view.

d. To get reaction and questions.

- (1) Develop an atmosphere that will promote reaction and questions. Be open.
- (2) Use a presentation method that encourages participation. Be relaxed, and do not appear rushed even if you are.
- (3) Do not overdo written copy, authority, or personal identification. Maybe mark important paragraphs in any written items, which are used.



- e. To solve a problem jointly.
  - (1) Promote interest and thought.
  - (2) Get agreement on the nature of the problem.
  - (3) Get agreement on the importance of the problem.
  - (4) Minimize your personal involvement. Emphasize that the displaced person must do something, and you will help.
- f. To plant ideas.
  - (1) Be subtle.
  - (2) Consider alternatives. ("If the interviewee should say...then I might say...").
  - (3) Help the displaced persons to think of all of their options.
  - (4) Flag alternatives that should be avoided.
  - (5) Help the interviewee to feel he or she played a major role in the development of the idea.
  - (6) Be positive, help the interviewee look at the opportunities in relocation.
- 6. Interview the right person.
  - a. Interview the person most likely to have the answers to your questions and who will need the answers that you can provide.
  - b. The person you are interviewing must certify legal residency in the United States for eligibility requirements, both residential displacement and non-residential displacement. See RAAP Form #38 "Certification Concerning Legal Residency in the United States"
  - c. Interview the person to whom specific information is to be given. All adult family members should be present if possible, or in the case of an elderly single person, a trusted son or daughter or close personal friend may be present during the interview if he or she desires or if they obviously need assistance.
  - d. Group interviews may be appropriate in some instances, especially when you want to

- (1) obtain interrelated information;
- (2) convey information of interest to all parties, e.g. the Relocation Specialist, the displaced person and a moving company representative;
- (3) sample reactions;
- (4) develop solutions to general problems; and
- (5) generate group interest and identification.

7. Use more than one person to conduct the interview when appropriate.

- a. Be sure each interviewer pursues the same objective and develops consistent data.
- b. Have a clear direction and role assignment before hand. One to interview, and one to take notes.
- c. Be careful not to overwhelm the interviewee(s). Avoid machine gun questioning.

8. Conduct the interview sensitively.

- a. Dress appropriately. Attire affects first impressions. Be neutral.
- b. Be on time.
- c. State the purpose of the interview and the topics to be discussed. This will eliminate possible fear or distrust.
- d. Be courteous, friendly, and interested in the people and in their home.
- e. Be warm and responsive to the interviewee's problems and point of view. Do not be defensive. Develop a trustworthy relationship.
- f. Move from general to specific information and from least sensitive to most sensitive subjects.
- g. Try to identify the reasons for the respondent's opposition, if it exists.
  - (1) Fear, ignorance, suspicion, rumor.
  - (2) Clash of objectives.

- (3) Clash of personalities, if you are dealing with an obviously hostile person, you may want to suggest that you will make arrangements for someone else to handle the relocation if the displaced person prefers.
  - (4) Lack of interest -- doubts displacement will occur.
  - (5) Advice of others -- spouse, relatives, other displaced person.
- h. Tactfully point out unworkable alternatives before they get out of hand.
- i. Do not be overly concerned about silences. Silences usually are not as long as they seem and are often necessary for the interviewee to formulate his/her thoughts into a logical reply. During periods of silence, the interviewer should think about, "What is he or she really trying to tell me?"
- j. Select your pattern of speech carefully. Avoid jargon, i.e. RHP for replacement housing payment or DS&S for decent, safe, and sanitary. Do not talk down to a displaced person, but keep your explanations as simple as possible.
- k. Create an impression of competence. Know the program, and be able to answer questions with authority.
- l. Decide when to let the person present his/her point of view, when and how to get the interview back on course, and know what useful information or reactions you may lose if you do this too soon.
- m. Repeat your understanding of what the person has said at key points use restatement. "You mean that"... "What I hear you saying is"...etc.
- n. When necessary, use examples to clarify certain information the displaced person is presenting. All that may be necessary is to say, "Will you please explain that a little more."
- o. Use listening responses frequently, (nod, smile, expectant pause, uh-huh, mmm, I see, echo (last few words repeated), mirror (you feel you have been treated unfairly), brief summary (let's see if I have this right -- you...)
- p. Be prepared to delete or modify the content or sequence of the interview as the person reacts in unforeseen ways.
- q. Take notes as appropriate but do not let the note taking get in the way of the interview. Be selective, brief, and clear in what you write down. Keep your attention on the other person.

9. Become a better listener.

- a. Keep your mind open. Null your emotional filters. Remember that we often hear what we wish to hear. Bear in mind, one's own attitudes and biases affect the information we receive in an interview.
- b. Organize the person's remarks in your mind.
  - (1) What are his main points?
  - (2) Arguments versus facts.
  - (3) Group facts around arguments.
- c. Anticipate the next point.
- d. Evaluate the person's evidence.
- e. Look for nonverbal clues. Useful visual barometers of an unduly high anxiety level are such things as
  - (1) color of face,
  - (2) erratic body movements,
  - (3) varying eye contact,
  - (4) dryness of mouth, and
  - (5) pitch of the voice.
- f. Resist distractions and concentrate on what is being said. Sometimes it may be necessary to ask the interviewee to turn off the TV or, if it is possible, for someone to mind the baby.
- g. Stay alert. Do not daydream if a person's delivery is slow. If your thoughts run ahead of his/her words, use the time to evaluate, anticipate and review.

10. Summary.

- a. A thoughtful, thorough presentation is a prerequisite of a truly successful interview.

- b. During the interview, center your attention on the other person, be sensitive to his/her reactions, and show your sympathetic interest in his/her comments.

#### D. THE NEXT STEP IS TO PROVIDE RELOCATION ASSISTANCE

Now that you know something about your client, you are ready to provide assistance. Not all of your clients will need your assistance and some will need only a minimum amount of assistance. You can expect to spend most of your time and effort with only a small number of those persons in your relocation workload. Therefore, it is important to know where to go to get special help. The list of agencies, which provide social services and other forms of assistance, is long. However, this list is very basic and applies to all displaced persons whether owners or tenants of residential, business, and farm properties. The services are to be offered to occupants of expensive homes as well as to occupants of substandard homes and to large businesses as well as to small businesses. There should be no assumptions made about the need for services, and the services should never be restricted to location of replacement sites. In many instances, it will be necessary to go beyond the minimum requirements in order to complete relocation successfully. The only way to determine what advisory services will be needed is to become acquainted with the displaced persons during personal interviews.

##### 1. Services Available From Public and Private Sources

###### a. County Welfare Departments

County welfare departments administer public assistance programs. Their major programs are.

- (1) Financial Services. The principal types of financial services are (a) Aid to Families with Dependent Children (AFDC), (b) General Relief (GR), (c) Supplemental Security Income (SSI), and (d) Medical Assistance (MA).

###### (a) AFDC -- Aid to Families with Dependent Children

- (i) Provides cash assistance to families in which dependent children have been deprived of support of a parent until 18 years of age (21 if a student).
- (ii) AFDC families can also get help with rent coverage, utility bills, furniture needs, etc.

(b) GR -- General Relief

- (i) Offered to those poor who do not qualify for other welfare department assistance programs.
- (ii) Usually individuals or childless couples.
- (iii) A transitional program, with States trying to move recipients to other forms of assistance shared by federal government, or to the labor market if feasible.

(c) SSI -- Supplemental Security Income

- (i) A minimum assistance payment for those eligible who do not have other resources.
- (ii) Direct income maintenance payments to aged, blind, and disabled persons based on a national uniform standard as well as uniform eligibility criteria and incentives for States to supplement this federal floor.
- (iii) The SSI recipient receives cash payments from the federal government, but the State usually provides him or her with social services, medical services, and food stamps.

(d) MA -- Medical Assistance

Medicaid is available to AFDC and SSI recipients. The "medically needy" not eligible for direct cash assistance from the welfare department are aided in paying medical expenses that would reduce their income after they pay their bills to less than welfare standards.

(2) Social Services

- (a) Social services are provided not only to public assistance recipients but also to others in need.
- (b) Social services are provided directly by the welfare department or purchased from private agencies and institutions or foster parents.
- (c) There are three principal service categories.

- (i) The care and maintenance of children. This includes day care services, social services to children in crisis, and protective services for children.
- (ii) The family planning program is another service category. This includes budgeting, development of parental teaching and supervisory skills, and birth control assistance.
- (iii) The third service category is social service to the elderly and disabled. This is mainly homemaker and chore services.

(3) Food Stamps

The eligibility formula balances income and assets against a range of deductions for shelter, childcare, medical and educational expenses, and other special fees and liabilities.

Welfare recipients are automatically eligible for food stamps and must only prepare an affidavit listing income and resources to determine their allotment of food stamps.

b. County Health Departments

- (1) Clinics and a variety of health services.
- (2) A Public Health Nurse. This includes home visitation for the sick and newborns.
- (3) Nutrition counseling.

c. The Social Security Administration

- (1) Retirement benefits.
- (2) Survivor's benefits.
- (3) Supplemental Security Income Benefits (SSI).
- (4) Aid to Families with Dependent Children (AFDC).
- (5) Rehabilitation services.

(6) Medicare.

There are many other private and public agencies that may be able to help. These include

- d. Community Service Organizations (United Fund)
- e. Programs for Senior Citizens
- f. Big Brother and Big Sister Organizations
- g. Meals on Wheels (For elderly and shut-ins)
- h. Visiting Nurse Association (volunteers)
- i. Volunteer Families
- j. Charitable Organizations for Food, Clothing, Furniture, Financial Assistance.
- k. Credit Counseling Services
- l. The Legal Aid Society
- m. Centers for Alcoholism and Drug Abuse
- n. Religious Social Service Programs
- o. State Employment Office for job placement, vocational counseling and training.
- p. The Federal Housing Administration
- q. The Veteran's Administration
- r. The Farmer's Home Administration
- s. The Small Business Administration
- t. State Housing Development Authorities



As you can readily see, there are many places to go for help when the services needed are beyond the scope or expertise of the relocation staff. Relocation Specialists should not hesitate to contact local service agencies and become familiar with their organizations and the nature of the services they provide. The Relocation Specialist should keep a list with names and telephone numbers of local service agencies and identified contact persons.

Encourage the displaced person to call the service agency, but you should be willing to place the calls, make the appointments, and provide the transportation when necessary.

Below is a list of some of the challenging situation often faced by Relocation Specialists. Local service agencies may be able to provide the necessary assistance to help the displaced person adjust to a new neighborhood or cope with an existing problem.

- The elderly
- The handicapped
- Low-income families
- Large families
- Serious or terminal illness in a family
- Emotional and mental problems
- Alcoholics and drug addicts
- Eccentric people
- The recluse and the hoarder
- The owner of many animals
- The person with poor credit
- Language barriers
- The incompetent
- The mentally and emotionally challenged
- The plain uncooperative displaced person
- The displaced person who is slow to move
- The case of discrimination in housing
- Problem children
- The unemployed family head
- Welfare families
- Families with no automobile
- Businessmen in need of financial and management help
- Dislocated farmers
- Acquisition of a church property

To relocate some of the persons mentioned presents a considerable challenge to any Relocation Specialist. Often Relocation Specialists face problems for which there seem to be no solutions. Inexperienced relocation personnel soon learn that it is not always necessary to reinvent the wheel. Coworkers, supervisors and other knowledgeable persons may be able to offer helpful suggestions or approaches to a problem. In the end, the Relocation Specialist is expected to

bring the relocation to a successful conclusion. See Exhibit A, Benefits and Services Available from Other Agencies for a list of agencies and services available in most communities.

Although the emphasis in this chapter has centered on the displaced resident, there should also be concern for displaced businesses including non-profit organizations and farms. Their needs are just as many and sometimes just as acute. They also need to think through what is best for their business throughout the relocation process, need to plan ahead, and need to find at least adequate replacement sites. The “Business Interview questionnaire” done at the time of the initial meeting will assist you those matters and the chapter on moving payments and related expenses for non-residential moves will address these and other issues in greater detail.

#### E. RELOCATION SPECIALIST MAJOR ACTIVITIES

##### 1. Providing Information.

- a. Describing the availability of, and eligibility requirements and procedures for, obtaining payments assistance.
- b. Explaining the procedures for filing complaints or appeals.
- c. Answering displaced persons questions.

##### 2. Diagnosing Problems and Using Resources.

- a. Reviewing available data on the displaced person.
- b. Conducting a preliminary informational interview.
- c. Conducting follow-up diagnostic interview.
- d. Identifying displaced persons needs.
- e. Diagnosing displaced persons problems.
- f. Determining the availability of support resources to meet displaced persons problems and needs.
- g. Referring displaced persons to social agencies.
- h. Monitoring and evaluating displaced person's progress with social agencies.

##### 3. Securing Replacement Properties.

- a. Visiting, telephoning, emailing, and writing displaced persons about replacement properties.
- b. Assisting and counseling displaced persons on personal problems related to the move.
- c. Preparing and maintaining lists of currently available replacement properties.
- d. Informing and guiding a displaced person on obtaining financing, insurance, and the like connected with replacement properties.
- e. Assisting displaced persons to qualify for FHA or public housing.
- f. Helping displaced persons secure technical or legal assistance with their relocation problems.
- g. Counseling displaced persons on local real estate market and loan conditions.
- h. Informing displaced persons about special government assistance programs for displaced persons.
- i. Initiating contacts with government agencies to coordinate services for displaced persons.

4. Computing and Processing Claims and Payments.

- a. Determining displaced person's eligibility for relocation benefits.
- b. Computing displaced person's entitlements.
- c. Advising displaced persons on proper documentation needed for processing claims forms.
- d. Delivering claims forms to displaced persons.
- e. Assisting displaced persons in filling out claims forms.
- f. Collecting claims forms from displaced persons.
- g. Routing claims forms among various offices and individuals involved in approval.
- h. Delivering payment checks to displaced persons on cases you did not work.

F. IMPORTANT RELOCATION SPECIALIST TRAITS

1. The Relocation Specialist must have knowledge of
  - a. relocation laws and regulations;
  - b. real estate practices and procedures;
  - c. finance and economics;
  - d. social work disciplines;
  - e. property management;
  - f. appraisal and valuation techniques; and
  - g. agency policies and procedures.
2. The Relocation Specialist must have the ability to
  - a. communicate effectively with individuals in a face-to-face situation;
  - b. make effective oral presentations before public groups;
  - c. establish rapport with uncooperative or suspicious individuals;
  - d. work effectively with representatives of other agencies and organizations;
  - e. negotiate effectively with replacement property owners over rental and sales prices;
  - f. write effectively;
  - g. diagnose displaced persons needs and problems;
  - h. identify available resources for meeting displaced person needs;
  - i. perform advocacy on behalf of displaced persons within the limits and subject to the allowable entitlements of the Uniform Act;
  - j. monitor and evaluate displaced persons progress;
  - k. use formulas for computation purposes;

- l. conduct personal interviews; and
  - m. record complex data accurately and concisely.
- 3. The Relocation Specialist must have the following attitudes:
  - a. Desire to protect the public treasury.
  - b. Intention to assure that displaced persons get no more and no less than what they are entitled to under the law.
  - c. Sympathetic feelings for persons with social, health. Economic or emotional problems.
  - d. A willingness to work modified hours to accommodate a displacee's schedule.
  - d. A liking for people.
  - e. Desire to help others.
  - f. Commitment to the goals and objectives of the Uniform Relocation Act.
  - g. Commitment to the rapid and economical completion of highway and other public projects.
  - h. Appreciation of the difference between the letter and the spirit of the law.

G. 24.208 Aliens Not Lawfully Present in the United States

(a) Each person seeking relocation payments or relocation advisory assistance shall, as a condition of eligibility, certify:

(1) In the case of an individual, that he or she is either a citizen or national of the United States, or an alien who is lawfully present in the United States.

(2) In the case of a family, that each family member is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the head of the household on behalf of other family members.

(3) In the case of an unincorporated business, farm, or nonprofit organization, that each owner is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the principal owner, manager, or operating officer on behalf of other persons with an

ownership interest.

(4) In the case of an incorporated business, farm, or nonprofit organization, that the corporation is authorized to conduct business within the United States.

(b) The certification provided pursuant to paragraphs (a)(1), (a)(2), and (a)(3) of this section shall indicate whether such person is either a citizen or national of the United States, or an alien who is lawfully present in the United States. Requirements concerning the certification in addition to those contained in this rule shall be within the discretion of the Federal funding Agency and, within those parameters, that of the displacing Agency.

(c) In computing relocation payments under the Uniform Act, if any member(s) of a household or owner(s) of an unincorporated business, farm, or nonprofit organization is (are) determined to be ineligible because of a failure to be legally present in the United States, no relocation payments may be made to him or her. Any payment(s) for which such household, unincorporated business, farm, or nonprofit organization would otherwise be eligible shall be computed for the household, based on the number of eligible household members and for the unincorporated business, farm, or nonprofit organization, based on the ratio of ownership between eligible and ineligible owners.

(d) The displacing Agency shall consider the certification provided pursuant to paragraph (a) of this section to be valid, unless the displacing Agency determines in accordance with paragraph (f) of this section that it is invalid based on a review of an alien's documentation or other information that the Agency considers reliable and appropriate.

(e) Any review by the displacing Agency of the certifications provided pursuant to paragraph (a) of this section shall be conducted in a nondiscriminatory fashion. Each displacing Agency will apply the same standard of review to all such certifications it receives, except that such standard may be revised periodically.

(f) If, based on a review of an alien's documentation or other credible evidence, a displacing Agency has reason to believe that a person's certification is invalid (for example a document reviewed does not on its face reasonably appear to be genuine), and that, as a result, such person may be an alien not lawfully present in the United States, it shall obtain the following information before making a final determination:

(1) If the Agency has reason to believe that the certification of a person who has certified that he or she is an alien lawfully present in the United States is invalid, the displacing Agency shall obtain verification of the alien's status from the local Bureau of Citizenship and Immigration Service (BCIS) Office. A list of local BCIS offices is available at <http://www.uscis.gov/graphics/fieldoffices/alphaa.htm>. Any request for

BCIS verification shall include the alien's full name, date of birth and alien number, and a copy of the alien's documentation. (If an Agency is unable to contact the BCIS, it may contact the FHWA in Washington, DC, Office of Real Estate Services or Office of Chief Counsel for a referral to the BCIS.)

(2) If the Agency has reason to believe that the certification of a person who has certified that he or she is a citizen or national is invalid, the displacing Agency shall request evidence of United States citizenship or nationality from such person and, if considered necessary, verify the accuracy of such evidence with the issuer.

(g) No relocation payments or relocation advisory assistance shall be provided to a person who has not provided the certification described in this section or who has been determined to be not lawfully present in the United States, unless such person can demonstrate to the displacing Agency's satisfaction that the denial of relocation assistance will result in an exceptional and extremely unusual hardship to such person's spouse, parent, or child who is a citizen of the United States, or is an alien lawfully admitted for permanent residence in the United States.

(h) For purposes of paragraph (g) of this section, "exceptional and extremely unusual hardship" to such spouse, parent, or child of the person not lawfully present in the United States means that the denial of relocation payments and advisory assistance to such person will directly result in:

(1) A significant and demonstrable adverse impact on the health or safety of such spouse, parent, or child;

(2) A significant and demonstrable adverse impact on the continued existence of the family unit of which such spouse, parent, or child is a member; or

(3) Any other impact that the displacing Agency determines will have a significant and demonstrable adverse impact on such spouse, parent, or child.

(i) The certification referred to in paragraph (a) of this section may be included as part of the claim for relocation payments described in § 24.207 of this part.

(Approved by the Office of Management and Budget under control number 2105-0508.)

## CHAPTER 2. PRELIMINARY ACTIVITIES

### A. ABOUT RELOCATION PLANNING

The Uniform Relocation Act Amendments of 1987 recognize the need for relocation planning. Section 205(a) of the act as amended requires programs or projects be planned so that the problems associated with displacements are identified at an early stage and resolution of those anticipated problems is provided.

Planning is a good management tool used to achieve a predetermined objective. For relocation, the objective is an orderly and humane relocation of persons displaced by a project without adverse impacts or costly delays to the project. The planning process should be initiated during the early stages of project development, be continued through the environmental analysis process and culminate in a relocation study appropriate for the particular project. The factual information learned should indicate if orderly relocation could be achieved. If problems are revealed early in planning, various solutions such as extension of lead-time prior to construction, undertaking clearly defined mitigation measures, or increasing personnel resources may be considered.

While a formal relocation plan is not now required for approval of a project to proceed, relocation planning is required. Therefore, the best way for the State to document the planning process is to prepare a relocation study. Study preparation is not difficult and involves several logical steps:

The preparation of an inventory of characteristics and needs of individuals, families, businesses and non-profit organizations and farms to be relocated.

A survey of the real estate market to determine if an adequate supply of comparable replacement housing and suitable replacement locations for businesses and farms will be available to meet the needs of the displaced persons in a timely manner.

An analysis of the problems anticipated in the relocation of the project occupants including any special relocation advisory services that may be necessary.

Propose solutions for resolving the problems.

Business relocations requirements have been expanded to include, at a minimum of six items. Remember if problems are revealed early in planning, various solutions and resolution of those anticipated problems can be provided without adverse impacts or costly delays to the project.

- a. The business's replacement site requirements, current lease terms, other contractual obligations, and the financial capacity of the business to accomplish the move.



- b. Determination of the need for outside specialists than will be required to assist in planning the move assistance in the actual move and in reinstallation of machinery and/or other persona property.
- c. Identification and resolution of personalty / realty issues
- d. An estimate of the time required for the business to vacate the site.
- e. An estimate of anticipated difficulty in location a replacement property.
- f. An identification of any advance relocation payments required for the move, and the Agency's legal capacity to provide them.

1. Determining Whom the Project Will Displace.

The first step in the relocation planning process is to find out who and what will be displaced by the project. A drive through the project area and surrounding areas will provide general information about potential displaced persons, as will checking with public and private agencies that provide services to the area. The best way to ascertain who will be displaced and to learn about potential problems is to conduct personal interviews of those affected by the project. Before objections are raised about "stirring up problems" with personal interviews before a project begins, please be assured that a knock on the door is far more welcome than a notice in a newspaper or a red-x on someone's residence on project plans at a public hearing. Information about the project and the potential relocation benefits and assurances should also be provided to counteract rumors or other misinformation.

The survey form designed for obtaining the inventory data should be adequate to address, as a minimum, family size, owner or tenant status, income range, special needs (handicapped, elderly, etc), dwelling size, and number of bedrooms. Businesses, farms, and non-profit organizations should also be surveyed to determine the type of operation, number of employees, and relocation needs. Either a preliminary survey form or pre-relocation questionnaire (RAAP #3) can be used to conduct interviews at this time. If the pre-relocation questionnaire is used, only those items necessary for planning purposes need be completed.

After completing the survey, a tabulation can be made of replacement housing required based on the standards for comparable replacement housing, including price or rental range, number of bedrooms required, and size. Other correlation items should be added as appropriate. A similar tabulation should be completed for businesses and farms.

The inventory of characteristics and needs should indicate possible problem areas and generate thinking about the various methods to be used in providing the necessary replacement housing if shortages are discovered.

## 2. Survey of Comparable Replacement Housing, Businesses and Farm Properties

It will also be necessary to prepare a survey of available comparable replacement housing, business sites, including for non-profit organizations and farm properties. Since we already have an inventory of housing needs, we know what types of units to include in a survey of replacement properties.

The survey and subsequent analysis must indicate the availability of sufficient comparable replacement housing for those individuals and families to be displaced. Otherwise the use of Replacement Housing of Last Resort should be considered. Again, the standards for comparable replacement housing must be used as the basis for this inventory and the housing selected must be decent, safe, and sanitary. Listings of currently available, comparable residential units for sale and for rent in the general price range and rental range of the properties to be acquired can be collected from multi-list services, realtors, newspapers and magazines. The listings should be adequate for comparison with the inventory and should equal or exceed the number of units being acquired. The determination that an adequate supply of comparable housing and other required properties will be available should be well supported. In the same manner, available businesses and farm properties should be analyzed.

If acquisitions and relocations are expected to cover a significant time span, additional consideration should be given to properties that would become available over such a time span. An analysis of the available rental and for sale properties over a representative period in the past and projecting this information to arrive at availability in the future may be made. Such a projection would of course give recognition to any known factor that might affect the projection.

## 3. Other Social and Economic Impacts

In developing these impacts, social or economic occurrences that have taken place in the recent past that may have a distorting effect on the present real estate market should not be overlooked. Problems of today may also affect the real estate market in the near future. Some examples to keep in mind are:

- a. Industries coming into or leaving the community.
- b. Increasing interest rates affecting home purchases.
- c. Tight mortgage money.
- d. Increasing prime interest rate affecting builders.
- e. Tight money for housing contractors.

- f. Industrial and business expansion with increasing employment.
- g. Economic recession and increasing unemployment.
- h. Economic inflation.
- i. Rate of growth or decline of population in the community.
- j. Project area population trends.
- k. Building moratoriums.
- l. Housing starts and rental vacancy rates.
- m. Zoning or other land use plans.
- n. Local rent controls.

After a sufficient inventory of currently available residential units has been collected, the "for sale" and "for rent" properties should be tabulated to correlate with the requirements of the displaced persons. For example, one category of the needs survey may indicate that 28 single family, three bedroom dwellings between the price range of \$75,000 to \$80,000 are required. The survey of currently available housing may indicate that 40 units are available in this category. The tabulation will show 28 required, available 40. The same procedure will hold true for requirements in other price ranges and types of residential units. A tabulation of the needs and availability of rental units should be recorded separately. If the number of displacements warrant, it may also be appropriate to tabulate replacement properties for displaced farms, businesses and non-profit organizations, even though this is not a requirement.

#### 4. Analysis of Current Government Displacements

Coordination with other Federal, State, and Local governmental agencies is necessary to learn if any of their current or planned programs might also cause displacements or conversely, if there are programs planned to increase housing availability. Any planned or concurrent project in the community could have an effect on the supply and demand for replacement properties and could be competing. For this reason coordination with other agencies becomes extremely important.

After the displacement requirements have been compared with available replacement properties, the study will probably indicate that the displaced persons on the project can be relocated in a timely and humane manner. If problems are discovered or anticipated at this stage of the study, ways to resolve the problems, including the use of replacement housing of last resort should be planned.

## 5. Analysis of Relocation Problems

At this point in the planning process, a comprehensive analysis of the anticipated relocation impacts should be relatively simple to make. The facts have been gathered, the displaced persons have been identified, the available or anticipated resources are known, and the factors affecting supply and demand have been analyzed.

A relocation study can now be written, complete with recommendations to resolve anticipated problems and a timetable for orderly and humane relocation of the persons to be displaced.

## B. PROCEDURES

The Relocation Assistance Program is structured in an orderly and logical sequence of surveys, reports, and hearings that are performed for each highway project where displacement may occur. The following is a description of these activities in chronological order:

### 1. Conceptual and Design Stage

The Relocation Section will receive a request for a Conceptual Stage Report from the Program Development or the Design Divisions. Those Divisions should provide copies of the preliminary plans or maps detailing the proposed alternate corridors to be considered for the specific project. Upon receipt of said request, the project is assigned to a Relocation Agent(s) to prepare a Conceptual Stage Report.

#### a. Conceptual Stage Survey (CSS) and Conceptual Stage Report (CSR)

The Conceptual Stage Survey is conducted prior to the corridor or location public hearing. Survey data is secured with minimal disruption to residents. The data compiled in the Conceptual Stage Survey will be incorporated into a Conceptual Stage Report. The following data will be obtained for each alignment that is under consideration for the project:

- (1) The approximate number of residences to be displaced, including the family characteristics (e.g. minorities, handicapped, income levels, the elderly, large families, tenure, and owner/tenant status.) This is accomplished by a visual inspection in the field of each of the proposed corridors. It should be noted that the number of each category is solely an estimate at this time, and that the status of any vacant and habitable unit may change. Therefore, it should be accounted for in the above categories. This survey should consider the maximum number of displacements, which may occur on each corridor to assure that sufficient replacement housing will be available.

- (2) A discussion of available housing in the area and the ability to provide suitable relocation housing for each type of family to be displaced that is within the financial capabilities of the relocatees. This is accomplished by tabulation of present and future decent, safe and sanitary replacement sites which may be available based on real estate trends and development within the area as determined by contacts with Public Housing Authorities, Redevelopment Agencies, Real Estate Boards and Brokers, Chambers of Commerce, Local Builders, F.H.A. Offices, and other agencies in the field of housing and home building. For the purposes of this study, it must be presumed that the present sites are within the financial means of the prospective displacees. It shall also be presumed that residents will reestablish themselves in the same occupancy status. (RAAP 1A & 1B)
- (3) A description of any special advisory services that will be necessary for unique relocation problems.
- (4) A discussion of the actions proposed to remedy insufficient relocation housing including a commitment to housing of last resort, if necessary.
- (5) An estimate of the number, type, and size of businesses and farm operations to be displaced and of replacement business sites for affected businesses. The approximate number of employees for each business should be included the discussion along with the general impact of the business displacement(s) on the economy of the community. (RAAP 1)
- (6) A discussion of the results of early consultation with local government(s) and early consultation with businesses potentially subject to displacement. Discussions of potential sources of funding, financing, planning for incentive packaging (e.g. tax abatement, flexible zoning, and building requirements), and advisory assistance which has been or will be furnished to businesses along with other appropriate information.
- (7) Impact on the neighborhood and housing community services where relocation is likely to take place. If there will be extensive residential and/or business displacement, the affected community may want to investigate other sources of funding from local and State entities as well as HUD, the Economic Development Administration, and other Federal Agencies to assist in revitalization of the community.
- (8) The results of discussions with local officials, social agencies, and such other representatives as may be appropriate regarding the relocation impacts on displaced persons such as the elderly, handicapped, nondriver, transit-dependent, minorities and other groups.

- (9) Statements that the housing resources used in the survey are available to all relocatees without discrimination.

The effects on each group should be described to the extent reasonably predictable. The analysis should discuss how the relocation caused by the proposed project will facilitate or inhibit access to jobs, educational facilities, religious institutions, health and welfare services, recreational facilities, social and cultural facilities, pedestrian facilities, shopping facilities, and public transit services.

The Conceptual Stage Report will be used to develop the preliminary plan that should be forwarded to the Program Development or the Design Division through the Chief of the Division of Land Acquisition.

b. Corridor and Design Public Hearings

Where the Conceptual Stage Report indicates displacement by any of the proposed corridors, the Relocation Section shall be notified by the Environment, Planning and Engineering Division's, Public Hearings Unit as to the date, time and location of the hearings for the proposed project. Mention of the Relocation Program will be included in the legal advertisement of the Corridor and the Design Public Hearing Notices. No specific relocation notice is required to be sent to individuals.

In order to assure that the public is informed of the eligibility requirements, services and benefits available through the Relocation Assistance Program, designated members of the Relocation Section will make formal presentations at the Public Hearings. Presentations shall include but not necessarily be limited to:

(1) Statement of Policy

The relocation representative making the formal presentation will explain that no person shall be displaced by a project until replacement housing has been made available. Construction on projects involving federal funds cannot be authorized until comparable replacement housing has been made available to all persons displaced by the project.

The relocation representative will explain that all replacement housing offered to all persons displaced by the project must be fair housing open to all persons regardless of race, color, religion, sex, or national origin.

(2) Availability of Assistance and Services

- (a) Indicate the address and telephone number of the Central Relocation Office. All in attendance shall be advised that assistance can be obtained by contacting this office.
  - (b) Briefly indicate the services available including referral to public and private housing, advice concerning financing, and other Federal, State and local programs offering assistance to displaced persons.
- (3) Eligibility Requirements and Payment Procedures
- (a) Indicate and briefly explain the payments available to displaced homeowners and tenants including
    - i. moving costs that are reimbursed on either an actual cost basis or according to a schedule based on room count;
    - ii. replacement housing payments for homeowners to reimburse for the additional cost of purchasing a comparable replacement dwelling plus increased interest costs and incidental expenses;
    - iii. rental assistance payments for tenants and homeowners who wish to rent to assist in meeting the increased cost of in renting comparable housing for the next 42 months;
    - iv. downpayment assistance payments for 90-day owners and tenants who wish to purchase replacement housing;
    - v. state that eligibility for replacement housing payments for homeowners and tenants depends upon length of occupancy in the present dwelling and is contingent upon securing and occupying a decent, safe and sanitary replacement dwelling within one year.
  - (b) Indicate that the payments available to displaced businesses and farms include
    - i. moving costs that are reimbursed on an actual reasonable cost or self-move basis;
    - ii. the cost of searching for a replacement site;
    - iii. certain costs of reestablishing the business at a

replacement site;

- iv. or a payment-in-lieu of moving, searching, and reestablishment expenses that equals the average annual net earnings for discontinued or relocated businesses which lose patronage due to their move. Explain that this payment is based on the average annual net income of the two years preceding displacement, but is limited to a minimum of \$1,000 and a maximum of \$20,000.

(c) State the eligibility requirements for each payment.

(d) Indicate that a brochure briefly describing the Relocation Program is available to all in attendance.

(4) Discussion of the Probable Displacement and Available Replacement Sites. Using the results of the most recent Conceptual Stage Report for the chosen location and design plans, indicate:

(a) The estimated number of residences, businesses, and farms to be displaced by the design under consideration.

(b) The estimated number of dwelling units presently available that meet the replacement housing requirements for those residences to be displaced.

(5) Questions and Answers Provide all in attendance with the opportunity to ask questions about the program and the assistance available.

## 2. Pre-Relocation Interviews

The next activity of the Relocation Program begins after final plans have been received from the Engineering Section and prior to the parcels being appraised. The Relocation Section prepares a relocation study developed from information secured in interviews of each affected residence and business; recognizes problems associated with the displacements; and develops proposed solutions to minimize any adverse effects of the required moves. The relocation study will address the following:

- a. The number of households to be displaced, including information such as owner/tenant status, estimated value and rental rates of properties to be acquired, family characteristics, and special consideration of the impact on minorities, the elderly, large families, and the handicapped.
- b. The number of comparable replacement dwellings in the area that are expected to



be available to fulfill the needs of those households displaced, including price ranges and rental rates.

- c. The number, type, and size of the businesses, farms, and non-profit organizations to be displaced and the approximate number of employees that may be affected.
- d. Any special relocation advisory services that may be necessary.

3. Active Relocation Stage

The major part of the Relocation Assistance Program occurs with the notice of first contact on the project. The Relocation Section begins to actively assist persons that are being displaced.

C. RELOCATION INFORMATION AND WRITTEN NOTICES

Persons who may be displaced should be informed at the earliest practical time in the project of the State's Relocation Program. This information shall be furnished by use of the brochure and the General Information Notice. Other written notices will be required as the relocation process proceeds.

1. General Information Notice (RAAP 4)

Each resident and business scheduled to be displaced by a project will be provided a General Information Notice at the pre-relocation interview or promptly following the initiation of negotiations on a project unless they have been issued earlier, e.g. previously given to owners at initiation of negotiations. This letter shall contain at least the following information and shall be accompanied by a relocation brochure that

- a. informs the person interviewed that he may be displaced by the project;
- b. generally describes the relocation program and payments for which the person may become eligible;
- c. briefly describes the basic eligibility conditions and procedures for obtaining payments;
- d. indicates that any person displaced will be given reasonable relocation advisory services including housing referrals, help in filing payment claims, and other necessary assistance to help the displaced resident or business relocate successfully;
- e. informs that any person to be displaced from a dwelling cannot be required to move permanently unless

- (1) at least one comparable dwelling has been made available to him;
  - (2) he has been informed of its location;
  - (3) he has been provided sufficient time to negotiate for purchase or rent of the property;
  - (4) he is assured of receiving the relocation assistance and acquisition compensation, subject to reasonable safeguards, to which he is entitled in sufficient time to complete the purchase or lease of the property; and
  - (5) he is provided with at least 90 days advance written notice.
- f. describes the right to appeal the determination or amount of any relocation payment.

2. Notice of Intent to Acquire (RAAP 4A)

If there is a reason to have the property vacated before the initiation of negotiations, the State may issue a notice of intent to acquire. This notice may be issued to owners and tenants when the acquiring agency desires to establish eligibility for relocation benefits prior to the initiation of negotiations for the parcel. The notice will contain essentially the same information as the General Information Notice plus the anticipated date of initiation of negotiations for the parcel. It will contain the location where additional information may be obtained.

When the notice of intent to acquire is furnished to an owner, it must also be furnished promptly to his tenant. If it is furnished to a tenant, the owner must be simultaneously notified of such action. The Notice of Intent to Acquire will be furnished by certified mail if the Agent cannot deliver it.

When a notice of intent to acquire is issued and the person moves after that notice but before delivery of the initial written purchase offer, the "initiation of negotiations" means the date the person moves from the property.

This notice shall only be issued in special circumstances. Extreme care and coordination must be exercised within INDOT to assure that another person does not subsequently occupy the property. If reasonable assurance of this is not foreseen before this notice is proposed to be given, the acquiring agency may consider not giving such notice and instead awaiting until negotiations begin for the parcel. The State is not going to pay for more than one displaced person from the same unit unless absolutely unavoidable.

**Protective Rent** is other option an acquiring agency may use to elevate subsequent tenants. The effective use of these strategies will reduce if not eliminate situations where

less than 90 day occupants are encountered.

3. Notice of Relocation Eligibility (RAAP 6, 7, & 24)

The State shall promptly notify all persons to be displaced of their eligibility for applicable relocation benefits. Since their eligibility for relocation benefits starts on the date negotiations are initiated for acquisition of the occupied property, this notification should be given on the same day or as soon as practical thereafter.

4. 90-Day Notice (RAAP 16, 17, 17A, 30 & 30A)

This is a required written notice. A lawful occupant cannot be required to move unless he or she has received a written notice at least ninety days in advance of the date by which he or she may be required to move. The notice must be issued in accordance with the following criteria:

- a. Timing of the notice. The Agent may issue the notice 90-days or more before the person is expected to be required to move. If an occupant has already moved, there is no need to issue this notice.
- b. Content of the notice. This notice would inform the occupant that he or she would have at least 90 days to relocate. A comparable replacement dwelling would have to be made available to the displaced occupant at least 90-days prior to the specific date in the notice. Thus, the 90-day notice and the letter informing residential occupants of their specific maximum entitlement are included in the same form.
- c. Urgent need. In unusual circumstances, an occupant may be required to vacate the property with less than 90-days advance written notice if the State determines that a 90-day notice is impractical. An example of when this would occur would be when a person's continued occupancy of the property would constitute danger to the person's health or safety. A copy of the determination shall be included in the parcel file.

5. Determination of Relocation Entitlements (RAAP 16, 17 & 17A)

This information is included in the 90-day notice for displaced residents. Although not a notice as such, the State is required to inform an occupant in writing of the location of the specific comparable replacement dwelling, the price or rent used for establishing the upper limit of the replacement housing payment, and the basis for the determination so that the person is aware of the maximum replacement housing payment for which he or she may qualify.

D. LOCAL RELOCATION OFFICES

The decision to establish a local relocation office is the responsibility of the acquiring agency and is an integral part of the relocation planning process. The decision should be made prior to the acquisition stage of the project and should be based on the anticipated volume of work and the needs and characteristics of the persons to be displaced. Early opening of an on-site office usually encourages communication by the project occupants. This is valuable from a public relations standpoint and facilitates relocation activities on a project.

A relocation site office should be located at a convenient site that is readily accessible, preferably near the project and to the persons displaced by the project. If possible, it should be located within walking distance or be convenient to public transportation. The office hours should be convenient for project residents and include evening hours if necessary. It is also good policy to employ persons in the local office who are intimately familiar with the project area and the problems of its residents. Local personnel can be a tremendous asset to any relocation program.

The following information should be made available in a local relocation office:

1. Current lists of comparable replacement housing that is for sale and for rent which are available without regard to race, color, religion, sex, age, or national origin. The listings must be suitable in price and size to fulfill the needs of the individuals and families being displaced.
2. Current lists of available business and farm properties for rent or for sale when such properties are being acquired by the project.
3. Current information regarding security deposits, typical downpayment requirements, mortgage interest rates and terms, and average closing costs for residential property in the area.
4. Multiple listing services, apartment directory services, neighborhood and metropolitan newspaper advertisements where available, and various other sources of information regarding residential dwelling units.
5. Maps indicating the location of schools, parks, playgrounds, shopping areas, places of major employment, health facilities, public transportation routes and other amenities in the area.
6. Schedules and cost of public transportation.
7. Copies of the State Relocation Brochure.
8. Claim forms for relocation payments.
9. Copies of local housing codes, ordinances, and local building codes.

10. Consumer education literature on housing, shelter costs, family budgeting, and other pertinent information useful to displacement.
11. Project plan sheets illustrating the project and the surrounding area.

The local relocation office can be beneficial to the acquiring agency as well as to displaced persons if it is supplied with qualified relocation personnel. The local office can be a valuable tool in building confidence in the acquiring agency.

If a relocation site office is not established, it is still very important that the information listed above be made available to displaced persons.

## CHAPTER 3. RESIDENTIAL RELOCATION

### A. GENERAL

Promptly following initiation of negotiations for the subject property by the INDOT Buying Section, (RAAP #5) the parcel will be assigned to a Relocation Specialist. If the owner occupies the parcel, the Specialist shall identify the amount the acquiring agency offered for the owner-occupied residence on a lot typical for residential purposes.

#### 1. Breakout/Carveouts

A residential breakout/carveout is required to determine the acquiring agency's offer for the owner-occupied portion of the property when a dwelling

- (1) is located on lands larger than typical for residential purposes;
- (2) is a multi-family structure with one of the units occupied by the owner;
- (3) is a combination residential and business structure with one of the units occupied by the owner; or
- (4) contains a major exterior appurtenance.

The Relocation Specialist shall request a breakout/carveout from the Appraisal Section when one is needed. The Relocation Section is responsible for the accuracy of the breakout/carveout and may adjust it to reflect available comparable properties by providing an explanation showing the rationale. If the property is occupied by other than the owner, the Specialist shall secure a list of tenants from the landlord. (RAAP #9)

#### 2. First Visit After Initiation of Negotiations (RAAP 8, 10, 12, Payment Notice & Legal Residency Certification)

The Relocation Specialist arranges to meet with the displacee to discuss the Relocation Program at the earliest possible date convenient for the displacee. During this first visit, the Specialist shall present his identification and shall

- a. personally interview the person(s) to be displaced, but not duplicate the previous interview from the planning stage;
- b. explain the relocation assistance that is available as a result of being displaced by the project, including
  - (1) where the Specialist may be reached and the location of the Central Relocation Office and Project Office, if any;
  - (2) a description of relocation services and resources available to assist displaced

persons; and

- (3) description of the assistance and information that will be provided by the Relocation Specialist during future personal contacts with the displacee;
- d. complete the appropriate forms and secure sufficient information about the displacee's needs and the displacement dwelling as described in the appraisal to identify comparable replacement dwellings for referral and replacement housing payment determinations; (RAAP 12 & 14)
- e. explain the applicable replacement housing payments to which the displacee may be entitled when purchasing or renting replacement housing and any related eligibility requirements;
- f. determine the displacee(s) eligibility for replacement housing benefits from information provided by the displacee and based on whether the displacee (RAAP 13)
  - (1) has been in occupancy for 180 days before initiation of negotiations for the parcel;  
or
  - (2) has been in occupancy for 90 days before initiation of negotiations for the parcel;  
or
  - (3) was in occupancy at the time a written notice of intent to acquire was issued, and
    - (a) such occupancy has been or will be for at least 180 days prior to the date of move; or
    - (b) such occupancy has been or will be for at least 90 days prior to the date of move;
- g. explain that eligibility amounts are determined using comparable dwellings presently available for purchase or rent and that the address and probable sale or rental price of the dwelling used in the determination will be provided to the displacee;
- h. explain that dwellings used in replacement housing determinations will be equal to or better than the subject dwelling according to the definition of comparability in the Uniform Relocation Act;
- i. explain to handicapped displacees that the cost to make replacement dwellings for handicapped free of barriers may be added to the replacement housing payment for which they are otherwise eligible;

- j. explain to the displacee that he cannot be required to move permanently until
  - (1) at least one comparable replacement dwelling has been made available and he has been informed of its location;
  - (2) sufficient time has been provided to negotiate and enter into a purchase agreement or lease for replacement housing;
  - (3) assurance has been provided of receiving the relocation assistance and acquisition compensation to which he is entitled, subject to reasonable safeguards, in sufficient time to complete the purchase or rental of replacement housing; and
  - (4) at least 90 days advance written notice has been provided before being required to move.

### 3. Advisory Assistance and Counseling

On the first and subsequent contacts, the Relocation Specialist will provide the displacee with current and continuing information on the availability, purchase prices, and rental costs of available replacement dwellings.

He shall advise that assistance and counseling is available in locating financing or completing lease arrangements for the replacement property. He will offer assistance in making moving arrangements and provide referrals as needed to both public and private agencies. He shall use Exhibit A. "Benefits and Services Available From Other Agencies" as needed to provide assistance.

### 4. Multiple Occupancy

Multiple occupants of the displacement dwelling will be considered by the State to constitute one household. If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share of all relocation payments that would have been made if the occupants had moved together to a comparable replacement dwelling. The State shall determine the prorated shares to which each person is entitled.

If the displacees are of the opinion that more than one household existed within the dwelling prior to displacement, it shall be the responsibility of the displacees to document the separate existence of each. Examples of separation points might include separation of living quarters, ratio of private to shared living space, separation of utility charges or payments, separate entrances, separate and adequate sources of income, sufficient amounts of separately owned furniture, living arrangements in previous dwellings, etc.

The Relocation Manager will determine if separate households existed prior to displacement based on a preponderance of the documentation submitted. If the State deter-



mines that multiple households existed, such occupants will be considered to have separate entitlements to all relocation payments. A comparable dwelling for each household would be based on the amount of private space that each household occupied separately in the displacement dwelling plus that space which was shared with the other household(s).

## B. REPLACEMENT HOUSING STANDARDS

A basic requirement of the relocation program is that the replacement housing made available to displaced persons meets certain qualitative standards. These standards are embodied in the term's "decent, safe, and sanitary housing" and "comparable replacement housing."

There are three general objectives of the standards:

- To assure a safe and healthy living environment.
- To satisfy basic housing and related living needs.
- To provide the opportunity to occupy a dwelling which is functionally equivalent to the displacement dwelling.

The first objective is fairly clear. It relates to compliance with standards that are generally found in local housing and occupancy codes. The significant content of these codes will be discussed under the heading, "decent, safe and sanitary housing."

The second objective recognizes that housing choices are never made in isolation from other basic living needs such as employment and shopping. Also, the housing needs of families are frequently based on age, family size, and disabilities. In implementing the relocation program, we accept an obligation to refer displaced persons to housing that will accommodate the housing needs of the family and is reasonably close to their employment, public and commercial facilities, and utilities. This raises questions. What health or disability limitations are important to consider in relocation? Are there family size criteria for determining housing needs? What is "reasonable" proximity to employment and public and commercial facilities? These important questions will be considered in this chapter.

The third objective, functional equivalency, is an acknowledgment that fair treatment of displaced persons requires that we offer a dwelling which is at least reasonably similar to the displacement dwelling with particular attention to its principal features. While this may seem to be a routine task, there are many practical problems. What is reasonably similar in housing market in which dwellings are dissimilar in some major respect? How do we deal with the cumulative effect of the housing standards? Strict adherence to each one may result in betterment in the overall replacement or may be in excess of the needs or desires of the family. What is the extent of States responsibilities in such cases?

## 1. Decent, Safe, and Sanitary Housing Standards

Decent, safe, and sanitary (DS&S) refers exclusively to standards, which affect the health and safety of the occupants. DS&S does not pertain to level of luxury, price, or location. Basically, a dwelling, which meets all local criteria for housing and occupancy codes, will meet decent, safe, and sanitary standards as they are defined in the relocation regulations. A distinction must be made at this point, however. Housing and occupancy standards or codes are not the same as building codes. Building codes define criteria for new construction, additions, and alterations. Occupancy or habitability codes apply to all buildings or dwellings in a community. If the occupancy codes changes to require smoke detectors for example, all dwellings would be required to be brought into compliance. Occupancy codes are narrower in scope than building codes since they are concerned only with those elements influencing health and safety as opposed to appearance, marketability and conformity to current building standards. (See Decent, Safe, and Sanitary definition under chapter 7)

Most local housing and occupancy codes are adaptations of one of the national model codes promulgated by code setting organizations. A popular code is that issued by BOCA (Building Officials and Code Administrators International, Inc.).

## 2. Minimum Standards

Where there are no local housing and occupancy codes such as in rural areas or small towns, or where local occupancy codes are less stringent than the standards indicated as decent, safe, and sanitary (DS&S) in this manual, the decent, safe, and sanitary (DS&S) standards indicated herein shall apply.

The DS&S standards are minimal and basic. However, it is not unusual to find housing on the market for sale or rent that does not comply with one or more of these standards. Often the deficiency is the result of long-term deferred maintenance. Many deficiencies are correctable for a modest cost, but others could require major reconstruction and may not be economically feasible. An example of the latter would be a cracked and failed foundation wall or a structurally unsound roof.

## 3. Decent, Safe, and Sanitary Inspections

Certain parts of a dwelling should be examined carefully for DS&S problems. Included are:

- a. Porches, stoops, and exterior stairs - These parts are generally wood, of light construction and exposed to the weather. They deteriorate faster than the rest of the dwelling and should be replaced if deterioration is detected.
- b. Roofs - Deterioration takes place over a 15-25 year cycle. Interior damage to the

structure results if the roof is not replaced. Look for leakage on interior ceilings and walls (water spots), signs of roof failure, missing or cupped shingles, or cracks in roof covering material.

- c. Electrical System - The most vulnerable area is wiring that is homeowner installed. This is frequently done to serve new fixtures or house additions. A local electrical inspector can be consulted if you are in doubt as to the safety of any electrical installation. Be aware of aluminum wiring, frayed wires, and outlets that do not work. The presence of any one of these may be indicative of electrical problems.
- d. Foundation - Not every foundation crack is significant. In older houses settlement cracks can be expected, cracks that are recent or large enough to permit the entry of water may weaken support of the house. This problem should be corrected. Check for tilting or braces added in basement, also for wet basements and crawlspaces.
- e. Plumbing - Lack of water pressure from faucets, slow emptying drains, or waste lines that gurgle are definite signs of trouble. Call in a plumbing expert to check the problem and recommend any necessary corrective measures. Check the water heater for venting and overflow. Visually check for water leaks under sinks and in basements.
- f. Adequate in Size – The selected comparable and replacement dwelling must be of adequate size to accommodate the number of family members occupying the dwelling.
  - a) Children of the opposite sex under the age of ten (10) may occupy the same bedroom.
  - b) One child under the age of two (2) may occupy the parent's bedroom
  - c) Except for the above cases, husbands and wives, and couples living together by mutual consent, persons of the opposite sex should not be required to occupy the same bedroom.
  - d) The number of bedrooms at the replacement dwelling should duplicate that of the acquired dwelling, unless more are needed to meet decent, safe, and sanitary standards.

#### 4. Comparable Replacement Housing

In addition to being decent, safe, and sanitary, there are other criteria of comparability that must be met. If these criteria are not met, the dwelling cannot be classified as comparable. When analyzing available dwellings, the selected dwellings must be those most nearly comparable to the displacement property.

Note that the elements of comparable replacement housing refer to the specific needs of the displaced person, i.e. financial means, access to employment, desirability as to access to public and commercial facilities, etc. This implies a prior determination of the displaced person needs and circumstances, which can only be secured by personal contact with each displaced household early in the process.

Pre-acquisition interviews will be conducted at which time information is secured which will be relevant to the search for comparable housing. It is important to exercise care and patience in researching the market for comparable housing. Excessive payments can easily occur by the hasty selection of replacement properties that are far superior to the properties being acquired. Conversely, problems can be prevented if the search is sufficient to find the "best" comparable rather than settling on a less than comparable dwelling.

A great deal of judgement is involved in applying the standards of comparability. The criteria sometimes become subjective in application and an attitude of reasonableness must prevail. The following discussion of several items of comparability may provide some guidance:

- a. Functionally equivalent including the number of rooms and living space. This does not mean that a replacement dwelling must meet a tape-measure comparison to the acquired property. The emphasis is on function. A comparable replacement dwelling is one that is "functionally similar" to the displacement dwelling. The replacement dwelling, when compared with the acquired dwelling, should perform the same function, provide the same utility, and possess like amenities. This requires that the principal features of the acquired dwelling be present in a comparable. Space should be available for comparable purposes as used in the acquired dwelling. For example, workshops in an over-sized garage instead of a basement and vice versa; ample kitchen cupboards could substitute for a pantry, and out-of-season storage could be provided either in an accessible attic or a basement area. Physical inspection of the interior as well as of the exterior of selected comparables will clarify for the specialist as well as the displaced person, the actual functional equivalency of houses.

Generally, functional similarity is an objective standard reflecting the range of purposes for which the various features of a dwelling may physically be used. However, in determining whether a replacement dwelling is functionally similar to the displacement dwelling, the Specialist may consider reasonable tradeoffs when the comparable under consideration is equal to or better than the displacement dwelling. For example, if the displacement dwelling contains a pantry and a dwelling is not available with a pantry, a replacement dwelling with ample kitchen cupboards may be an acceptable tradeoff. Insulated and heated space in a garage could be an adequate substitute for basement workshop space. A dining area might substitute for a separate dining room. Under some circumstances, attic space could substitute for basement storage space and vice versa. Extra living space in a comparable without a garage would not offset a garage at the displacement dwelling since it would not serve a similar function.

Only in unusual circumstances may a comparable replacement dwelling contain fewer rooms or consequently less living space than the displacement dwelling. For example, a decent, safe and sanitary replacement dwelling that fully meets the needs of the

displacee may be found to be functionally similar (and therefore, comparable) to a larger but very run-down substandard displacement dwelling.

- b. Available to the displaced person. The State ordinarily has no control over the availability of sale or rental housing. However, displaced persons should only be referred to housing that has recently been confirmed as being available. Likewise, in making payment determinations, only active listings should be utilized. This will require close contact with sources of housing market information and a willingness to research the market for currently available housing. If housing is in short supply, innovative measures may have to be taken to assure the availability of a comparable when an offer is made.
- c. Adequate to accommodate the displaced person(s). If the displaced person has special limitations; particularly relating to health, mobility, or age, the replacement housing referrals should accommodate those limitations. For instance, an elderly displaced person with a serious heart condition may need a one-floor plan or a house with a bath and bedroom on the first floor. A wheelchair-restricted displaced person would need a unit with ramp access, ample hallways, and bathroom accessibility. Displaced persons should not be referred to housing that does not accommodate these special needs.
- d. The financial means test. It is assumed that owners can afford replacement housing if they are not required to spend more per month, based on comparability, toward a mortgage payment than before acquisition. On the other hand, a tenant should not have to pay more than 30% of his or her gross income on rent and utilities. If replacement housing is not within the financial means of a displaced person, Replacement Housing of Last Resort may be necessary.
- e. Access to employment. This is a critical element in the choice of replacement housing and the needs of each displaced person will help determine specific distance limits. A displaced person who presently walks to work should only be offered comparable DS&S housing within walking distance or near a bus line reasonable accessible to the place of employment. Referrals should be made on the same basis. A displaced person that presently drives 20 miles to work may not be as restricted to a particular housing area. Reasonableness and good judgement are important. The objective should be to refer a displaced person to housing that does not endanger employment because of increased distance or travel time. The intent is not necessarily to keep the travel distance the same, but to be reasonable and practical. Each displaced person's needs and limitations regarding travel time and distance to the work site should be individually determined and understood early in the relocation process.
- f. Commercial and public facilities. The desirability of potential replacement housing close to commercial and public facilities is a case-by-case judgment. It is important to determine for each displaced family the institutions and facilities upon which there is a

strong dependency. A family with children would be concerned with schools. An elderly retired couple without a car would consider it important to be near a grocery store. Housing choice is usually related to the location of institutions and facilities used in daily life. It is an obligation of the State to make housing available that is as desirable as the displacement dwelling with regard to those places that give essential support to daily living. This does not mean that the displaced person's personal desires as to particular schools or shopping areas have to be complied with, but a sincere attempt should be made to acknowledge the displaced person's preference. Personal tastes, desires, and dislikes will properly influence a person's choice of housing; however, the relocation specialist need not be limited by these personal desires. What the specialist must consider is the needs and availability

In implementing comparable and decent, safe, and sanitary standards for replacement housing, it is important to remember the overall objective of the program. The objective is fairness and equity to displaced persons. In carrying out this objective we are committed to offering every displaced person at least one replacement dwelling, and three, if available, that is at least basically similar to what he or she had before; a dwelling that is safe to occupy, meets the basic living needs of the person, and provides for the same or similar function as in the displacement dwelling.

No discussion concerning replacement-housing standards would be complete without reiterating the need to physically inspect the exterior and interior of selected comparables if at all possible. The relocation specialist needs to know that the dwelling he or she is offering to the displaced person is decent, safe and sanitary and has amenities comparable to those in the displacement dwelling. After all, he or she will be "selling" the comparable or comparables to the displaced person as well as to the Central Office for payment computation approval. Finally, there is this note of caution. You may reuse comparables for different displaced persons so long as they remain available, are comparable, and each person offered the comparable is given sufficient opportunity to inspect it.

## C. PROCEDURES FOR COMPARABLE REPLACEMENT HOUSING DETERMINATIONS

### 1. Comparable Replacement Housing Selection (RAAP 14)

The Relocation Specialist shall review the market for available sales and rental housing, as applicable. Using the information compiled on the displacement dwelling and the displacee's housing needs, the Relocation Specialist shall identify available decent, safe and sanitary dwellings, which are comparable to the displacement dwelling based on the definition of comparable replacement housing. If dwellings meeting those criteria are not available on the market, dwellings that exceed those requirements may be treated as comparable. An extensive search of multiple listing service information through local Real Estate offices and other sources including newspaper advertisements and Internet search must be made to assure that housing is found at the lowest cost that meets comparability requirements.

To the extent feasible, comparable replacement dwellings shall be selected from the neighborhood in which the displacement dwelling was located or, if that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher. A comparable neighborhood would be one in which housing costs are generally similar. It must be understood that comparable dwellings cannot be and are not required to be identical to the displacement dwelling.

The Relocation Specialist shall offer minority persons reasonable opportunities whenever possible to relocate to decent, safe, and sanitary dwellings not located in an area of minority concentration and that are within their financial means. However, it should be noted that this policy does not require the State to provide displaced minority persons a larger payment than is otherwise necessary to enable them to relocate to a comparable replacement dwelling. It is intended that if the comparable replacement dwellings are located in areas of minority concentration, minority persons should, if possible, also be given opportunities to relocate to replacement dwellings not located in such areas.

Major appurtenances and land improvements related to residential use may be separated from the value of the residence by requesting a breakout/carveout. Examples of these are storage sheds, and swimming pools. Where available dwellings do not have these major appurtenances, the use of those dwellings as comparable is acceptable when the appropriate breakout/carveout is made. An example would be if the displacement dwelling had a swimming pool. The value of the swimming pool would be established via the appraisal and separated from the value of the residence and lot.

## 2. Comparable Replacement Dwelling Selection - Alternative Procedure (RAAP #22A)

The estimated replacement cost of a new comparable dwelling on a comparable homesite can be used in computing a replacement housing payment provided that no comparable dwellings are available, nor will any become available in the foreseeable future. In such cases, housing that is comparable to the dwelling being acquired in all aspects except that it is not reasonably accessible to the displacee's place of employment can be used in computing the replacement housing payment if the displacee gives written concurrence in its use. Such written concurrence should be documented in the parcel file. It must also be explained to the displacee that such housing is not fully comparable and that he would not be required to accept its use in the entitlement determination.

When "comparable(s)" properties are not available, the estimated cost to build a new dwelling on a comparable homesite would be appropriate for computing the relocation housing entitlement. Estimates from two contractors should be obtained to determine the cost of a new dwelling. The Relocation Specialist should proceed as follows:

### a. Contact two builders and furnish the following information for the cost estimate:

- (1) Description of the dwelling including number of rooms, baths, amount of living

space, type of construction, etc. (major appurtenances such as swimming pools, greenhouses, or additional garages, etc. will not be included in the dwelling description or cost estimate).

(2) Description of the home site, drive, and typical landscaping.

(3) Description of the utilities such as sanitary facilities, water supply, electric, etc.

NOTE: If only one bid is obtainable from a building contractor, the Specialist must request from the Appraisal Section an updated cost approach for the subject dwelling.

- b. The cost estimate excluding major appurtenances will be used as the amount determined as necessary to purchase a comparable dwelling. The difference between this amount and the State's offer or breakout/carveout will become the price differential payment entitlement.
- c. When the cost estimate procedure is used instead of the comparable method, the displacee shall not be required to vacate his dwelling unit until he has either by himself obtained the right of possession of replacement housing, or he has been offered comparable housing which is available for his immediate occupancy. If the displacee states he is interested in a dwelling which differs from the displacement dwelling, referrals may be given to the type of dwelling which the relocatee desires.

### 3. Number of Comparable Dwellings Required

The Specialist shall select three (3) comparable dwellings, which **fully** meet the requirements of comparable replacement housing. Every effort shall be made to locate at least three comparable dwellings. However, fewer than three comparables may be used when three are not able to be located and the Relocation Supervisor approves using fewer than three in advance. The agent must document why three comparables were not obtainable if less than three are used.

### 4. Adjustment of Comparable Dwelling Asking Price

Adjustments of asking price are **not** permitted. The actual list price should be used when determining the replacement housing entitlement amount.

### 5. Verification of Comparability

The Specialist shall contact the listing agent, seller, or landlord of each selected comparable to assure its current availability and to verify that **each** selected comparable meets all the requirements of comparable replacement housing. The Specialist shall personally view each of the selected comparables, conducting at least an exterior inspection and making a photograph of each for the relocation file. After verification, the Specialist shall document



the factors of comparability for each comparable selected and explain the rationale for selecting the comparable used to determine the housing entitlement of the displacee. (RAAP 14)

#### 6. Major Exterior Appurtenances

A basic concept of identifying a comparable replacement dwelling is to compare "apples to apples." Sometimes a displacement dwelling has a major exterior appurtenance such as a swimming pool or an outbuilding and no comparable replacement dwelling can be located which has a similar item. In order to compare "apples to apples", the Specialist needs to compute the value of the displacement dwelling without the attribute. This is called a breakout/carveout. The value of the appurtenance is subtracted from the acquisition price of the subject dwelling. A replacement housing payment determination will be computed using a price breakout/carveout that excludes the value of the major appurtenance.

If the attribute is a truly major item, the contributory value is probably specified in the appraisal report. Reviewing the appraisal or consulting with the appraiser or review appraiser can also establish unspecified values of major items. The value of the attribute should be fully documented in the parcel file.

#### 7. Transportation Offered to Displacees

All displacees must be offered transportation to inspect the comparable dwelling used in determining their replacement housing benefits. It is especially important that the elderly, handicapped, and other displacees who might have difficulty securing transportation be offered this assistance.

Specialists must make this offer of transportation when entitlements are explained and the comparable unit is identified. Documentation of offering transportation must be included in a RAAP 10 signed by the relocatee.

State cars should be used whenever possible to transport relocatees to visit the comparable dwelling. On projects where Specialists driving State vehicles are present, drivers of those State vehicles should be requested to transport relocatees who require transportation.

#### 8. Buildable Lot versus Uneconomic Remnant on Remainder

##### **BUILDABLE LOT**

The State must have offered to purchase buildable lots that remain after acquisition of the proposed R/W before the offered amount for the buildable lot can be added to the acquisition price when computing the replacement housing entitlement. If the State does not offer to purchase the buildable lot, then the value of the buildable lot cannot be used in computing the RHP.

To avoid unnecessary windfalls, the Specialist should check with the Project Supervisor if an offer to purchase the buildable lot has not been made. Also, attempts should be made to find comparable dwellings on lots compatible in size to the homesite being acquired.

#### **UNECONOMIC REMNANT**

The amount the State offers for an uneconomic remnant is not added to the acquisition price for RHP computations unless the owner decides to sell the uneconomic remnant to the State.

#### **EXAMPLE FOR BUILDABLE LOT:**

The State is widening a road and purchasing a dwelling that is situated on the front 1/2 acre of an approximately square, one-acre lot. The R/W purchase will include the house and the 1/2-acre nearest the existing road and leave the rear 1/2-acre as a remainder. The remaining 1/2-acre meets local codes for single-family dwelling construction and is considered to be a buildable lot.

The dwelling and the 1/2-acre on which it is located are valued at \$90,000. The 1/2-acre remainder is valued at \$10,000.

If the State offers \$100,000 for the dwelling and the entire acre of land, then \$100,000 will be used as the acquisition price in RHP computations, whether the relocatee accepts the full \$100,000 for all the land or accepts \$90,000 and retains the 1/2 acre buildable lot.

If the State offers \$90,000 for the dwelling and the 1/2 acre which it is situated and makes no offer to buy the other 1/2 acre for an additional \$10,000, then only \$90,000 will be used in RHP computations.

#### **EXAMPLE FOR AN UNECONOMIC REMNANT:**

The State is widening a road and purchasing a dwelling that is situated on the front 3/4 acre of an approximately square, one-acre lot. The R/W purchase will include the house and the 3/4-acre nearest the existing road and leave the rear 1/4-acre as a remainder. The remaining 1/4-acre does not meet local codes for single-family dwelling construction. Therefore, it is considered to be an uneconomic remnant.

The dwelling and 3/4-acre on which it is located are valued at \$95,000. The 1/4-acre remainder is valued at \$5,000.

The State offers \$95,000 for the dwelling and the 3/4-acre of land and offers \$5,000 for the remaining uneconomic remnant. If the relocatee decides not to sell the uneconomic remnant to the State, \$95,000 will be used as the acquisition price in RHP computations. If the relocatee decides to sell the uneconomic remnant to the State,

\$100,000 will be used as the acquisition price in RHP computations.

9. Economic Rent

The Economic Rent shall be established and used for owners who choose to rent their replacement dwellings and for tenants when

- a. the average monthly rent paid exceeds the market rent for a similar dwelling; or
- b. the tenant provides a service in lieu of paying rent; or
- c. the rent paid does not represent an arms length transaction between the tenant and landlord.

10. Required Central Relocation Office Approvals

The Specialist shall submit the fully prepared and documented replacement housing determination to the Project Supervisor or Central Relocation Office for approval prior to issuing the results of the determination to the displacee.

11. Offering Entitlements to Displacees (RAAP 16, 17 & 17A)

All displacees shall be informed of the amount of their relocation payment entitlements in a timely and orderly manner near the time when they are actively searching for replacement housing; within a reasonable time period after the displacee's request; or at least 90 days prior to the time the displacee is required to vacate the displacement site. Normally this will be right after the initiation of negotiations.

After the entitlement amount is approved by the Central Relocation Office, the Specialist shall explain the relocation entitlement to the displacee. He shall identify the amount to which the displacee may be entitled in purchasing or renting replacement housing. He shall explain that the entitlement amount was determined by a market survey of comparable dwellings presently available to be purchased or rented by the displacee. He shall indicate the address and probable sale or rental price of the dwelling used in the determination.

The Specialist shall emphasize that replacement housing payments are the difference between displacement and replacement housing costs or the amount determined by the State as necessary to secure comparable replacement housing, whichever is less. Replacement housing payments can only be paid to displaced persons who relocate to decent, safe, and sanitary (DS&S) dwellings. Displaced persons are encouraged to request a DS&S inspection by their Relocation Specialist of any replacement dwelling they are considering before they make any financial commitment on that dwelling.

12. Handicapped Displacees

The Specialist shall explain to handicapped displacees that the cost to make replacement dwellings free of barriers may be added to the replacement housing payment.

13. Replacement Housing Payment Requirements and Filing Time Limits

The Specialist shall further explain that to claim a replacement housing payment, the displacee must

- a. secure and occupy DS&S replacement housing (RAAP 18) within one year from their date of displacement; and
- b. submit a claim within 18 months of the date of displacement or, for owners, the date of final payment for the acquisition of the real property, whichever is later. This requirement may be waived by the State for good cause.

14. Issuing 90-Day Notice to Displacee (RAAP 16, 17 & 17A)

A 90-day notice shall be given to the displacee at the time the displacee is informed of their replacement housing entitlements. The Specialist shall explain to all displacees that they will not be required to move for at least 90 days after the date of that notice. The Specialist shall issue replacement housing entitlements to the displacee on the appropriate form. THIS IS NOT A NOTICE TO VACATE should be emphasized.

15. Refusal to Sign Relocation Materials

When a displacee refuses to sign an acknowledgment of the receipt of any relocation materials or documents, the Specialist shall be aware and advise the displacee that this does not cause the displacee to forfeit any of his rights to relocation benefits or assistance. When this occurs, the Specialist should write "Refused to Sign" in the location that the displacee would normally sign and give the displacee his copy. The Specialist should complete a Specialist's Report explaining the occurrence.

When a displacee refuses to accept the personal delivery of a replacement housing determination or 90-day letter, or when personal contact of the displacee proves not to be possible, the Specialist should use certified mail to accomplish notification requirements for relocation information and eligibility determinations.

16. Right To Appeal (RAAP 37)

The Specialist shall explain to the displacee that he has the right to submit a **written** appeal of any eligibility determination or payment amount made by the State. The Specialist shall explain the appeals procedure as discussed in the APPEALS chapter of this manual. An eligibility determination or payment amount may be appealed up to **60 days** after the displacee receives written notification of that determination. Displacees shall be advised that the State will consider their written appeal regardless of the form used. However,

when they indicate they are dissatisfied, displacees will be given an Appeal Form, to assist in making their appeal. See chapter entitled "Appeals" for more information.

17. Progressive Contacts of Displacees (RAAP 8)

The Specialist shall maintain frequent and continued personal contact with the displacee for the purpose of providing ongoing relocation assistance and information about the relocation program.

The Specialist shall make certain that he in no way acts as an agent for any mover, moving company, seller, or landlord of any property for sale or rent. He will be careful in his conversations to avoid favoring one mover, moving company, real estate broker, or landlord over another. He shall advise all displacees that it is their responsibility to hire or otherwise engage movers.

18. Activities after the Displacee Relocates

Upon notification that the displacee has completed his move, the Specialist shall

- a. conduct a post-move inspection of the displacement and replacement dwellings to verify that the displacee moved to and occupies the replacement site. In the event that the displacee moved on an actual cost basis, the approved inventory shall be used as a checklist in this inspection. Paid receipts should be obtained at this time for actual cost moves;
- b. conduct a DS&S inspection unless done previously; (RAAP 18)
- c. obtain any replacement dwelling purchase documents yet to be provided by the displacee; and
- d. notify Property Management of the date the displacement dwelling was vacated.

19. Specialist's Reports (RAAP 8)

Immediately following the first and subsequent relocation contacts, the Specialist shall complete a Specialist's Report that contains the date of the contact and all pertinent information that was discussed. The Specialist's Report shall be detailed information, written in ink or printed on the computer, signed and dated by the Specialist, and initialed or signed by the displacee or person contacted. All such Specialist's Reports shall be submitted to the Central Relocation Office no later than the Monday following the contact and shall become a permanent part of the parcel file. (RAAP 8)

D. RESIDENTIAL OWNER-OCCUPANT BENEFITS

## 1. General Principles

One principle must be kept in mind for every displaced resident is that the State must assure that comparable replacement housing is available. A displaced homeowner-occupant must be advised of a comparable dwelling that he or she can buy and a displaced tenant must be advised of a comparable dwelling, which is, available to rent.

The stated policy of the Uniform Act is to provide fair and equitable treatment to all persons displaced as a result of programs designed for the benefit of the public as a whole. Replacement housing payments should be computed with this in mind. At the same time, a responsibility exists to address necessary out-of-pocket expenditures. The State must provide reimbursement in the form of replacement housing payments, but only to the extent that the expenditures are necessary. The relocation program should be operated in accordance with one of our country's national objectives, that every person in America live in a decent home and a suitable living environment.

## 2. Basic Eligibility Requirements

Eligibility for a Replacement Housing Payment is based on the length of time the displaced person occupied the displacement property immediately prior to the initiation of negotiations for the parcel.

In order to be eligible for a purchase supplement, the displaced person must have owned and occupied the displacement property for 180-days or more.

A Downpayment Assistance Payment is available to (1) a homeowner who has occupied the displacement dwelling for 90-179 days. A long-term homeowner (180 days or more) is not eligible for this payment.

Rental Assistance Payments are available to all residential displaced persons who have occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations.

A long-term homeowner-occupant (180 days or more) must rent or purchase and occupy a decent, safe, and sanitary replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling or, in the case of condemnation, the date the required amount is deposited in the court, or (2) the date the person is offered replacement housing, whichever is later. Either of the above dates may be extended by the State if there exists good cause to do so, but the payment determination will generally not change.

A displaced person who has occupied a displacement dwelling for less than 90 days prior to the initiation of negotiations is not eligible for Replacement Housing Payments under the Uniform Act. They may be eligible for replacement housing provided under Replacement

Housing of Last Resort, providing comparable DS&S replacement properties are not within their financial means and there is an increase in rent necessitated by the occupancy of a comparable replacement property.

### 3. Computation of Replacement Housing Payments for 180-Day Owners

The first and paramount step in the computation of a Price Differential Payment is to determine the cost of a decent, safe, and sanitary comparable replacement dwelling.

#### a. The Three Comparable Method

The most effective method for establishing the cost of a DS&S comparable is the Three Comparable Method. This method is applicable to all types of supplemental payments.

Under the Three Comparable Method, the State carefully analyzes the displacement property and the makeup of the displaced person's family to determine their replacement needs. The real estate market is then thoroughly searched and analyzed, and the three most comparable properties are selected. To aid in this real estate market analysis, the State may subscribe to local multiple-listing services and/or maintain close relationships with local real estate brokers. Subscriptions to local newspapers are also a practical necessity.

In making the analysis, the Relocation Specialist must use the comparable property comparison grid, RAAP #14, noting any additional pertinent information that may be necessary.

#### b. Computation of the Purchase Supplement

The Purchase Supplement is available only to a 180-day owner-occupant who purchases a decent, safe, and sanitary replacement property. The purchase Supplement is made up of three parts - Price Differential, Increased Interest, and Incidental Expenses. Our first concern is the Price Differential.

##### (1) Price Differential Entitlement

Using the Three Comparable Method, the Specialist establishes the cost of Replacement. The Price Differential Entitlement determined by is a simple subtraction of the acquisition price of the displacement dwelling from the cost of the most comparable dwelling selected by the Specialist. The result is the maximum price differential to which the displaced person is entitled.

The philosophy of the purchase supplement program is that the displaced person must actually incur a cost increase in order to claim a price differential payment.

He or she will be paid the computed amount of the price differential or what is actually spent for a replacement dwelling, whichever is less. Let's look at an example of a Price Differential computation.

#### Example 1

Cost of Replacement Comparable	\$50,000
<u>Displacement Dwelling Price</u>	<u>\$42,000</u>
Price Differential Entitlement	\$ 8,000

The displaced person in this example would receive a Price Differential Payment entitlement of \$8,000 but would only receive this amount if the actual replacement property, which he or she purchased, cost \$50,000 or more.

The actual Price Differential Payment is computed by using the lesser of (1) the cost of a comparable dwelling or (2) the cost of the actual replacement property purchased by the displaced person minus the INDOT amount paid for the displacement property. If the displaced person does not purchase a replacement property costing at least as much as the comparable, he or she will receive a lower payment.

Now let's look at an example of a Price Differential payment when the displaced 180-day homeowner-occupant actually spends less than the cost of the comparable dwelling.

#### Example 2

Cost of a Comparable Dwelling	\$50,000
Displacement Dwelling Price	\$42,000
Actual Replacement Cost	\$48,000

Payment is the lesser of Computation (A) or (B)

(A)		(B)	
Cost of Comparable	\$50,000	Actual Replacement	\$48,000
<u>Displ Dwell Price</u>	<u>\$42,000</u>	<u>Displ Dwell Price</u>	<u>\$42,000</u>
Price Diff Entit	\$8,000	Actual Payment	\$ 6,000

The Price Differential Payment would be \$6,000.

Frequently the displaced person will elect to purchase a replacement property, which costs, more than the selected comparable. In these cases, the Price



Differential Payment is limited to the computed entitlement based on the comparable. In other words, the maximum payment would be \$8,000.

(2) Mortgage Interest Differential Payments

Increased mortgage interest payments may be paid as part of a Purchase Supplement. This benefit is available only to an owner-occupant of 180 days or more who had a mortgage at the displacement dwelling. The payment is made to compensate the displaced person for additional costs, which are experienced because the mortgage rate on the replacement dwelling is greater than that of the displacement dwelling. The existing mortgage must be bonafide and valid lien for at least 180 days prior to the initiation of negotiations. More than one qualifying mortgage can be considered.

(3) Incidental Expense Payments

Eligible incidental expenses are those reasonable costs actually incurred by the displaced person incidental to the purchase of a replacement dwelling and customarily paid by the buyer. These expenses are paid as part of either a Purchase Supplement or a Downpayment Assistance payment and are subject to the statutory limits of \$22,500 and \$5,250, respectively.

c. Price Differential - Adjustments Permitted

When either the Price Differential entitlement or the actual payment is computed, circumstances may require that adjustments be made in establishing either the acquisition price or the cost of the comparable dwelling. Situations that may require adjustments are

Major Exterior Attributes - Displacement

Excess Land - Displacement or Actual Replacement

Mixed-Use - Displacement, Comparable, Actual Replacement

(1) Major Exterior Attributes

The displacement dwelling in this example is valued at \$75,000 and has an inground swimming pool. No available comparable with a pool can be found. However, an otherwise comparable property is available for \$73,500.

Breakout/carveout Computation of Acquisition Price

Value of displacement, including pool	\$75,000
<u>Contributory value of pool</u>	<u>\$ 5,000</u>

Value of displacement, minus pool	\$70,000
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Price Differential Computation

Determined Cost of Replacement	\$73,500
<u>Adjusted Price of Displacement</u>	<u>\$70,000</u>
Price Differential Payment	\$ 3,500

(2) Excess Land

If the displacement dwelling is located on a lot that is substantially larger than the typical lot in the project area, an adjustment must be made to the acquisition price for relocation purposes. This adjustment is also necessary to compare similar situations.

As in the previous major exterior attribute computation, the value allocated to the excess land must be determined. If the excess land value were itemized in the approved appraisal report, this would be all of the documentation necessary. If the appraisal report is silent on this item, the Appraisal Section must be requested to supply the contributory value of the excess land before the purchase price differential can be computed.

This concept is explained in the following example:

Excess Land Adjustment

The displacement residential property is located on a two-acre site. The appraised fair market value is \$65,000. Typical lots in the area are one acre in size. The appraiser has allocated \$5,000 of the fair market value to the excess land in the appraisal report.

Fair Market Value – Displacement	\$65,000
<u>minus Value of Excess Land</u>	<u>\$ 5,000</u>
Displacement Residential Value	\$60,000

Price Differential Computation

Cost of Comparable Replacement Dwelling	\$70,500
<u>Displacement Residential Value</u>	<u>\$60,000</u>
Price Differential Entitlement	\$10,500

(3) Mixed-Use Properties

An adjustment may also be necessary when the displaced person uses a portion of the displacement property for other than residential use. One example would

be a "Mom and Pop" store with living quarters behind or above the store.

An adjustment is necessary in a mixed-use situation because by law a supplement can only be paid on the residential use portion of the displacement property. Although the price differential payment could be computed using a similar, mixed-use property, if available, adjustments would be necessary to both the displacement property and to the selected comparable properties. It is much easier to carve-out the residential portion and compare it to comparable residential units.

The mixed-use adjustment can be perplexing because the residential-use value may be quite difficult to establish. For example, if the subject property is a drug store and the displaced person and his family occupies an apartment above the store, in all likelihood the majority of the fair market value for the property would be attributable to the commercial portion. If the market approach were used in establishing the fair market value and the comparables had similar apartments, the appraisal would shed no light on the value of the residential-use portion.

One answer may be to use the income approach. If the appraiser has provided the market rent for the store and for the apartment, the income approach may be used even if it was not relied upon in the final correlation of value. If the market rent for the store were shown at \$750 per month and the apartment at \$250 per month, the apartment would represent 25% of the gross income for the entire property. ( $\$250/\$1,000 = 25\%$ ). The appraisal section should be consulted to establish the value of the residential unit, and the file should be documented with the factors used in establishing the value.

The same situation occurs when the displaced person owns a duplex and occupies one of the units. It is necessary to establish the value of the owner-occupied unit. The Specialist should seek comparable duplex properties. However, since a supplement cannot be paid on the investment portion of the property (the portion not occupied by the owner), the replacement housing computation must be based solely on the value of the unit the displaced person occupies. It should disregard that portion of the asking price of the unit that would be rented to others.

The following are examples for mixed-use property:

#### MIXED-USE(NON-RESIDENTIAL) ADJUSTMENT

The displaced person owns and occupies the second floor apartment above a drug store which he also owns. The entire property has been valued at \$200,000. The market rent is \$750 per month for the drug store and \$250 per month for the apartment.

	Fair market value of entire property	\$200,000
minus	<u>Drug Store Value (<math>\\$750/\\$1,000 = 75\%</math>)</u>	<u>\$150,000</u>
	Displacement Residential Value	\$ 50,000
	<u>Mixed-Use (Non-Residential)</u>	
	<u>Price Differential Computation</u>	
	Asking Price of Available Property	\$220,000
	<u>Store Portion Value (<math>\\$220,000 \times 75\%</math>)</u>	<u>\$165,000</u>
	Comparable Residential Value	\$ 55,000
	Comparable Residential Value	\$ 55,000
minus	<u>Displacement Residential Value</u>	<u>\$ 50,000</u>
	Price Differential Entitlement	\$ 5,000

#### MIXED-USE (RESIDENTIAL) ADJUSTMENT

The displaced person occupies one side of a duplex. He rents the other side to a tenant.

Displacement Unit Residential Breakout \$50,000

#### Mixed-Use (Residential) Price Differential Computation

	Breakout value comparable duplex unit	\$58,000
minus	<u>Displacement Unit Residential Breakout</u>	<u>\$50,000</u>
	Price Differential Entitlement	\$ 8,000

#### (4) Breakout/carveout of Actual Replacement

A displaced owner-occupant must purchase and occupy a decent, safe, and sanitary replacement property costing at least as much as the State's comparable to claim the full price differential entitlement. If a replacement were acquired for less, then the Price Differential Payment would be reduced accordingly.

There is also another requirement. The replacement must be residential. Any portion of the actual replacement cost that is for other than residential use must be disregarded. This breakout/carveout method will apply if the displaced person purchases either excess land or a mixed-use property including a duplex.

In order to avoid problems and misunderstandings, the possibility of an actual replacement breakout/carveout should be thoroughly discussed with the displaced person beforehand.

(5) Partial Acquisitions

If the project limits are such that it is not necessary to acquire the entire property, a partial acquisition may be appropriate. Most partial acquisitions do not involve a displacement. However, this is not always the case. Displacement may be necessary because of the elimination of access, the acquisition of a septic system or well which cannot be replaced on the remaining property, or the dwelling itself may fall within the area required for the project.

If the remainder constitutes a buildable lot and the State makes an offer to purchase the remainder, the fair market value of the remainder attributable to a residential lot is added to the acquisition cost of the displacement dwelling for purposes of computation.

To illustrate this concept, say the subject property is a lot 125'x 150'. Even though only 10 feet is needed from the front of the property, the dwelling will be purchased by the State. The 125'x 140' remainder is a buildable lot.

	Value Before R/W Purchase	\$60,000
minus	<u>Value of Remaining Land After R/W Purchase</u>	<u>\$12,000</u>
	Displacement Residential Value	\$48,000

If the State makes an offer to purchase the remaining buildable lot and the owner refuses to sell, the \$12,000 value of the lot is added to the R/W acquisition price for price differential computation purposes.

Example:  $\$48,000 + \$12,000 = \$60,000$ .

In the case of an uneconomic remnant, which is not a buildable lot, the value of such remnant may also be added to the State's acquisition price. However, if the displaced person refuses to sell the uneconomic remnant to the State, the value may not be used in the computation for replacement housing payments.

(6) Owner-Retention of the Displacement Dwelling

If a displaced homeowner-occupant of 180-days or more elects to retain his dwelling and move it to a site which he already owns or purchases, the purchase supplement is computed using the standard three comparable method. The cost of a comparable replacement dwelling is established in the usual manner. If the relocated dwelling becomes the displaced person's replacement property, it will be necessary to determine the actual cost of the replacement property including the retention cost, moving and restoration expenses, and the replacement land

value.

Certain limitations must be considered. First, the costs for moving, restoring, improving to DS&S condition, etc. must all be actual and reasonable costs. Care should be taken those extra items such as for finishing the basement when the original dwelling did not enjoy this feature are not included in the restoration total.

In owner-retention situations, no replacement housing payment can be made unless the total replacement housing costs such as lot cost, moving, and restoring exceeds the amount the State paid for the displacement property. Experience has shown that in the vast majority of cases, the displacee will spend less than the amount the State paid for the displacement property.

(7) Multiple Ownership

When several persons own a single-family dwelling and occupied by only one or some of the owners, special purchase supplement procedures are necessary. In this case, the price differential will be the lesser of the total displacement price and the amount determined as necessary to purchase a comparable replacement dwelling OR the difference between the occupant(s) share of the displacement price and the actual cost of the replacement dwelling.

If the price differential entitlement were computed as the difference between the cost of comparable housing and only the occupant's share of the amount the State paid for the displacement residence, it would have the effect of providing a substantial windfall to the occupant(s). The displaced person(s) would become the sole owner of a comparable property in which they were only a partial owner before being displaced by the project.

The price differential entitlement should be computed in the usual manner by establishing the cost to a comparable replacement and deducting the amount paid for the displacement residence. This establishes the maximum price differential that can be claimed. In order for the displaced occupant who has partial ownership to claim the price differential entitlement, he or she must purchase a DS&S property costing at least as much as his or her share of the displacement residence plus the computed price differential payment.

MULTIPLE OWNERSHIP EXAMPLE

The displaced person owns a one-fourth share in a property of which he or she is the sole occupant. The acquisition price is \$60,000, and the State has determined that it will cost \$68,000 to purchase a comparable replacement property.

Cost of Comparable Replacement	\$68,000
Total Displacement Price	\$60,000*
Price Differential Entitlement	\$ 8,000

\*Incorrect to use \$15,000 as Displacement Price

#### Computation of Partial Owner's Entitlement

	1/4 Share of Displacement Price	\$15,000
plus	Price Differential Entitlement	\$ 8,000
	Purchase Price for Full Entitlement	\$23,000

The displaced person can claim the \$8,000 price differential entitlement if he or she purchases a DS&S replacement property costing at least \$23,000. If the actual replacement property costs less than \$23,000, the Price Differential Payment would be reduced accordingly. If the partial owner cannot secure the necessary financing, he or she may be relocated as a tenant and receive a rental assistance payment.

#### 4. Decent, Safe, and Sanitary Inspections

Before any type of supplemental payment can be made, the claimant must purchase or rent and occupy a decent, safe, and sanitary replacement dwelling. The State must also inspect the dwelling unit to assure that it meets the requirements of decent, safe, and sanitary using local housing codes or INDOT's criteria for DS&S.

In order to avoid problems, the State should caution the displaced persons not to become financially obligated to purchase or rent a replacement dwelling unit until the DS&S inspection has been performed. Often sales agreements are written subject to the DS&S inspection by the State.

The State's records must contain documentation of the DS&S inspection. If the dwelling cannot be certified as DS&S, the displaced person should be informed of the specific deficiencies noted. The cost to correct DS&S deficiencies may be included as part of the price paid for the actual replacement dwelling. However, the displaced person cannot be reimbursed for DS&S repairs that, when added to the purchase price, cause the total cost to exceed the cost of the available comparable replacement dwelling. When reviewing these receipted bills for DS&S repairs, care should be taken that the cost of the repairs or improvements are added to the total replacement price before the actual price differential payment is calculated. The cost of the DS&S repairs should not be added to the price differential entitlement after that payment has been computed.

Another example would be if an inspection revealed the need for only a minor furnace

repairs, it would not be justified to allow the cost of a new furnace.

5. Meeting Occupancy Requirements for the Displacement or Replacement Dwelling Under Special Circumstances

Projects necessitated by disasters, emergencies, or an imminent threat to the public health or welfare may require special considerations regarding the required occupancy period prior to the initiation of negotiations. For example, if a flood severely damaged a bridge to the extent that it needed to be replaced and the plans for the revised structure necessitated the acquisition of several dwellings near the bridge approach, it may be that the same flood caused the owners of those dwellings to vacate their homes. If so, they may not be in physical occupancy of their dwellings as of the date of initiation of negotiations to acquire the property.

Circumstances sometimes arise which make it impossible for the displaced person to occupy the replacement dwelling within the 1-year occupancy period. If the delay was caused by reasons beyond the displaced person's control as determined by the State, the occupancy requirement can be considered to be satisfied.

No person shall be denied eligibility for a replacement housing payment solely because he or she is unable to meet the occupancy requirements of the displacement or replacement dwelling due to a disaster, emergency, or imminent threat to the public health or welfare, as determined by the President or the federal agency funding the project or military reserve duty, hospital stay, or construction delay at the replacement dwelling, as determined by the State.

6. Conversion of Payment

A displaced person who initially rents a replacement dwelling and claims and receives a rental assistance payment retains eligibility for a Purchase Supplement or Downpayment Assistance Payment, if applicable, provided he or she purchases and occupies a DS&S replacement dwelling during the 1-year eligibility period. The Purchase Supplement or Downpayment Assistance Payment shall be reduced by the amount of the rental assistance payment already received.

7. Payment After Death.

A replacement housing payment is personal to the displaced person. Upon his or her death, the undisbursed portion of any such payment shall not be paid to the heirs or assigns, except that

- a. the amount attributable to the displaced person's period of actual occupancy of the replacement housing shall be paid; and
- b. the full payment should be disbursed in any case in which a member of a displaced family dies and the other family member(s) continue to occupy the replacement



dwelling selected in accordance with these regulations; and

- c. any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.

E. REPLACEMENT HOUSING PAYMENT PROCEDURES FOR 180 DAY OWNER-OCCUPANTS (RAAP 13, 14, & 15)

It is the Specialist's responsibility to make available a comparable replacement dwelling. If the displacee desires a change in occupancy status, the Specialist will be expected to make a reasonable effort to accomplish the request. If the optional housing is available, any Rental will be based on the specified option and computed accordingly.

1. Price Differential

The Specialist shall explain that this is an amount that may be added to the State's offer or breakout/carveout, as applicable, which will permit the owner to purchase a comparable replacement dwelling. (If a breakout/carveout is used, the Specialist should explain the basis for its use to the displacee.) The Specialist shall explain that the amount of the replacement housing payment is determined by using comparable dwellings available for purchase by the displacee. Each must be specifically evaluated by the State to assure comparability with the displacement residence.

a. Insurance Proceeds

To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a displaced person in connection with a loss to the displacement dwelling due to a disaster or catastrophic occurrence (fire, flood, etc.) shall be included in the displacement price of the displacement dwelling when computing the price differential.

b. Condemnation Cases (RAAP 23)

Since the amounts of the price differential cannot be determined due to pending condemnation proceedings, a provisional price differential payment may be calculated prior to the court proceeding by using the State's maximum offer for the property for computation purposes. Payment in such cases may be made only upon the owner-occupant signing an agreement that the replacement housing payment will be recomputed upon final determination of the condemnation proceeding. If the amount of the court award for the residential property exceeds the amount used in provisional computations, the displaced owner must agree that he will refund from the court award the amount of the excess--the refund not to exceed the amount of the price differential that was paid in advance. If the displacee will not execute such an

agreement, the price differential payment shall be deferred until the case is adjudicated. Then the price differential payment will be computed using the court award for the residential property.

In cases other than the total purchase of a dwelling and homesite and in the absence of the Court's specifying an amount for the residential dwelling and land in the judgment, a proportional computation shall be an acceptable manner of determining the residential portion of the court award. In the proportion, the price paid by the State for the residence would increase or decrease in direct proportion to the increase or decrease in the court award over the State's offer.

## 2. Increased Interest (RAAP 19)

The offer of replacement housing entitlements should include an estimate of increased interest payment amounts as well as the price differential payment. Increased interest payments should be computed and vouchered as soon as possible after mortgage approval is secured for the replacement dwelling. The objective of the Relocation Program is to deliver all payments to the relocatee at the closing on the replacement dwelling. This includes the differential payment, increased interest payment, and eligible incidental expenses payment.

Actual increased interest payments will be based on the mortgage rate normal for the area, whether or not the relocatee actually secures a replacement mortgage at exactly that rate, or the mortgage rate actually incurred, whichever is less. The Central Relocation Office will establish interest rates normal for the area.

The Specialist shall explain that the displacee may be reimbursed for increased costs when the replacement mortgage bears a higher interest rate than the displacement mortgage. To qualify, the displacement dwelling must have had a mortgage for at least 180 days immediately prior to initiation of negotiations and re-establish that mortgage, in whole or in part, on the replacement dwelling.

The payment computation is based on the unpaid balance of the existing mortgage on the displacement dwelling and its remaining term. It is computed using the current prevailing interest rate charged by lending institutions in the area of comparable dwelling. A mortgage rate that is less than the prevailing interest rate is an asset. If there is more than one mortgage outstanding on the displacement dwelling, a separate computation will be required for each mortgage. If any interest differential payment computes as a negative number, use "zero" in place of the negative number.

The payment for increased interest shall be the amount required to reduce a replacement mortgage (up to the remaining balance of the displacement mortgage) financed at a higher interest rate to an amount which could be amortized with the same monthly payment of principal and interest as the mortgage(s) on the displacement dwelling. In addition, the

increased interest payment shall include other debt service costs if not reimbursed to the displacee as eligible incidental expenses. The following shall apply to the payment computations:

- a. The payment shall be based on the unpaid mortgage balance(s) on the displacement dwelling; however, if the displacee obtains a smaller mortgage than the mortgage balance(s) computed in the paydown determination, the increased interest payment will be prorated and reduced accordingly. In the case of a home equity loan, the unpaid balance shall be that balance which existed 180 days prior to the initiations of negotiations or the balance on the date of acquisition, whichever is less.
- b. The payment shall be based on the remaining term of the mortgage(s) on the displacement dwelling or the term of the new mortgage, whichever is shorter.
- c. The interest rate on the new mortgage used in determining the amount of the payment shall not exceed the prevailing fixed interest rate for conventional mortgages currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.
- d. Purchaser's points and loan origination or assumption fees, but not seller's points shall be paid to the extent that
  - (1) they are not paid as incidental expenses;
  - (2) they do not exceed rates normal to similar real estate transactions in the area;
  - (3) the State determines them to be necessary; and
  - (4) the computation of such points and fees shall be based on the unpaid balance of the displacement mortgage, less the amount determined for the reduction (paydown) of such mortgage in these computations.
- e. The displacee shall be advised of the approximate amount of this payment and the conditions that must be met to receive the payment as soon as the facts relative to the displacee's displacement mortgage are known.
- f. The increased interest payment shall be made available at or near the time of closing on the replacement dwelling in order to reduce the replacement mortgage as intended.

The interest payment may be paid to the displacee except in cases of Last Resort Housing when it may be paid directly to the lender.

The interest payment on multi-use or multiple occupancy properties shall be reduced to the percentage ratio that the occupied unit bears to the value of the whole structure.

In partial acquisitions where a dwelling is located on a tract larger than normal for residential purposes, the total mortgage balance shall be reduced to the percentage ratio that the value of the residential portion bears to the before value. This reduction shall apply whether or not it is required that the entire mortgage balance be paid. The interest payment in such circumstances shall be reduced to the percentage ratio that the acquisition price bears to the before value. This reduction shall not apply when the lender requires that the entire mortgage be paid and refinanced.

If a dwelling is located on a tract where the fair market value is established on a higher and better use than residential and if the mortgage is based on residential value, the interest payment shall be computed as provided in the appropriate paragraphs above. If the mortgage is obviously based on the higher use, the interest payment shall be reduced to the percentage ratio that the estimated residential value of the parcel has to the before value.

The sum of the price differential, increased interest, and eligible incidental expenses shall be the total replacement housing payment.

### 3. Incidental Expenses (RAAP 20)

Eligible incidental expenses can also be vouchered prior to closing using preliminary information secured from lending institutions. The Specialist shall explain to the displacee that he is eligible for reimbursement of costs incurred incidental to the purchase of a replacement dwelling. Eligible incidental expenses may include the following costs if the buyer normally pays them:

- a. Legal, closing, and related costs including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees.
- b. Lender, FHA, or VA application and appraisal fees.
- c. Loan origination or assumption fees that do not represent prepaid interest limited to the amount necessary or balance of existing mortgage for homeowners.
- d. Certification of structural soundness (home inspection) and termite inspections when required.
- e. Credit report.
- f. Owner and mortgagee's evidence of title, e.g. title insurance, not to exceed the costs for a comparable replacement dwelling.
- g. Escrow agent's fee.
- h. State sales or transfer taxes, not to exceed the costs for a comparable replacement dwelling.

- i. Such other costs as the State determines to be incidental to the purchase.

Finance charges and prepaid expenses such as taxes, interest, and homeowners insurance are NOT reimbursable as incidental expenses.

The Specialist shall exercise caution when analyzing the closing/settlement statement on the replacement dwelling to avoid duplicate reimbursement by the State of incidental expenses.

The Specialist shall explain that the exact cost of increased interest and incidental expenses cannot be determined until the displacee secures replacement mortgage. However, estimates of these amounts can be provided so long as it is clearly understood that they are only estimates based on information provided by the displacee. Such estimates should be expected to change in accordance with whatever differences occur between the information used as a basis for the estimate and the actual circumstances that are realized when the replacement mortgage is secured.

The Specialist shall explain that the combined total of the price differential, increased interest, and incidental expenses cannot exceed \$22,500. (If the total appears likely to exceed this amount, the Specialist shall bring this matter to the attention of the Relocation Section Manager.) If this total exceeds \$22,500, the Last Resort Housing provisions of this manual will be applicable.

The Specialist shall explain to displacees that circumstances are possible where the displacee may not receive a payment for replacement housing price differential. However, if the displacee meets the eligibility requirements for a replacement housing payment, he may still receive reimbursement for increased interest and incidental expenses if these costs were incurred.

#### 4. Purchase of a Replacement Dwelling

A displacee is considered to have met the requirements of purchasing a replacement dwelling if he

- a. purchases a dwelling; or
- b. purchases and rehabilitates a substandard dwelling; or
- c. relocates a dwelling which he owns or purchases; or
- d. constructs a dwelling on a site the displacee owns or buys; or
- e. contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the displacee owns or purchases; or

- f. currently owns a previously purchased dwelling and site, valuation of which shall be on the basis of current fair market value. (This provision for replacement site valuation also applies to owners who build on their remainder or build on other property they previously owned.)

5. Owner-Retention as a Replacement Dwelling

An owner is allowed the option of retaining his dwelling. In such instances, the replacement housing payment is computed as follows:

- a. If the dwelling is DS&S, the price differential payment is the amount by which the cost of retaining and relocating the dwelling exceeds the purchase price paid by the State. For price differential computation purposes, the cost of the replacement property is the sum of
  - (1) the retention cost of the dwelling, i.e. the amount the displaced person paid the State, usually called salvage value or retention cost;
  - (2) the cost to move the dwelling to its new site;
  - (3) any costs necessary to restore the dwelling and site to its condition prior to the move;
  - (4) any costs necessary to correct decent, safe, and sanitary deficiencies; and
  - (5) the cost or fair market value of a replacement site, as applicable. When the dwelling is moved to the remainder or other property owned by the displacee prior to initiation of negotiations, the current fair market value of such replacement site will be allowable as part of the costs to relocate the retained dwelling.
- b. Receipted bills or other evidence of costs incurred must support such expenses.
- c. The payment computed above may not exceed the amount necessary to purchase an existing comparable dwelling in usual owner-to-owner situations. If no existing comparables are available for such computations, the cost of a new dwelling comparable to the displacement residence will be used to establish the amount used for computation purposes. Traditionally, a displacee spends less than the acquisition price if the retained dwelling is used as the replacement dwelling, thus resulting in no replacement housing differential payment.

6. Assisting Displacee With Purchase Arrangements.

Upon notification by the displacee that he has chosen a replacement dwelling, the

Relocation Specialist shall:

- a. Arrange to conduct a DS&S inspection at the earliest possible time. The displacee should be encouraged to request a DS&S inspection prior to making any financial or legal commitment on a replacement dwelling. This inspection shall be a personal on-site inspection conducted by the Specialist in compliance with applicable standards. During his inspection, the Specialist shall complete a DS&S Report (RAAP 18), and it shall become a part of the relocation record. To ensure that applicable local codes are met as indicated in the DS&S definition, local building officials may or should be used since they should be more experienced in some of the finer points. This also helps shift some of the responsibility and liability for such inspections to local officials.
- b. Make known to the displacee that a statement of relocation eligibility can be forwarded to any person, agency or financial institution at the request of the displacee.
- c. Assist the displacee in the filing of his claim by insuring that the displacee obtains and provides the following:
  - (1) A statement from the lending institution about the financing on the displacement dwelling. This statement should identify the date the mortgage was secured, the term of the mortgage (number of years), the interest rate, and the amount of the unpaid principal balance on the date the dwelling was purchased by the State.
  - (2) A copy of the accepted Purchase Agreement for the replacement dwelling that includes
    - (a) the agreed purchase price; and
    - (b) a description of the replacement property which identifies all items besides the residence that are included in the purchase price; and
    - (c) the total amount of land being purchased; and
    - (d) any non-residential use property or major appurtenances that are included in the agreed price.
  - (3) A copy of the closing statement for the replacement dwelling signed by both the buyer, seller, and closing agent which includes an itemization of incidental expenses.
  - (4) A copy of the replacement mortgage, Truth-In- Lending disclosure, and such other information as may be required to document and compute an increased interest payment.

(5) A copy of the deed for the replacement dwelling.

7. Replacement Housing Payment Claim Preparation

Upon receipt of all documentation necessary to compute the payments, the Specialist shall

- a. record on the appropriate form the purchase price of the replacement dwelling. The contributory value of excess land and non-residential items must be deducted from the total purchase price to arrive at a true replacement dwelling price; (RAAP 15)
- b. compare the above to the probable sale price of the selected comparable;
- c. deduct the amount paid by the State (or the breakout/carveout) from the sales price of the selected comparable or the purchase price of the replacement dwelling, whichever is less; (The resultant remainder is the price differential amount to which the displacee is entitled.)
- d. itemize on the appropriate form the eligible incidental expenses paid by the displacee; and (RAAP 20)

The sum of the price differential, increased interest, and eligible incidental expenses shall be the total replacement housing payment.

The Specialist shall prepare the claim voucher in the proper amount prior to presentation to the displacee for signature.

F. RENTAL ASSISTANCE BENEFITS FOR TENANTS AND 90-179 DAY OWNER-OCCUPANTS

Tenants of 90-days or more receive replacement housing benefits, too. However, 90-day tenants and 90-179 day (short-term) owner-occupants receive benefits that are related to the shorter-term occupancy that they are considered to have. The rental assistance payment is computed for a term of 42 months, and the upper limit is \$5,250. This computation carries with it the built-in assumptions that tenants will be in a position to pay those higher rents in 3-1/2 years and that tenants do not usually stay in one dwelling as long as owners. Tenants should be assisted in finding replacement housing with the same care, concern, and courtesy provided to owner-occupants. However, Relocation Specialists should be particularly alert for tenants who may not fit the previously mentioned assumptions of able to pay higher rent in the future and not usually staying in a dwelling as long as an owner might and assist them in locating housing that will continue to be affordable beyond the 3-1/2 year period. In any case, advisory services are particularly important for tenants.

Displaced persons who occupied the displacement dwelling for at least 90-days prior to initiation of negotiations may be eligible for a rental assistance payment to reimburse for the



increased cost of renting their replacement housing. Rental assistance payment entitlements should be computed for nearly all 90-day tenants. Only when a 90-day tenant provides a written statement to the Relocation Specialist that he or she plans to purchase their replacement housing or when he or she provides the Specialist with a signed purchase agreement for replacement housing, will it not be necessary to locate comparable rental housing or compute rental assistance payment entitlements.

## 1. Rental Assistance Payment Entitlement Determination

The rental assistance payment entitlement is determined using the same procedures for identifying comparable replacement housing as in the price differential entitlement for 180 day owners. Three rental comparables are identified, and the monthly rent plus utilities of the most comparable unit is used to determine the rental assistance payment entitlement. The rental assistance payment entitlement is computed as the difference between the monthly rent plus estimated utilities for a comparable replacement dwelling and the base monthly rent at the displacement dwelling over a 42 month period.

The formula for computing the rental assistance payment entitlement is as follows:

	monthly rent plus utilities of a comparable rental unit	\$ 650.00
minus	<u>base monthly rent at the displacement dwelling + Util</u>	<u>\$ 550.00</u>
	monthly rent difference	\$ 100.00
	<u>times 42 months =</u>	<u>\$4,200.00</u>
	rental assistance payment entitlement	\$4,200.00

If the tenant has a low-income and is paying more than 30% of his or her gross monthly income for rent and utilities, 30% of gross income must be used as the base monthly rent for the displacement dwelling if the tenant is considered “low income” based on the applicable HUD schedule. See the definition of base monthly rent in the chapter entitled DEFINITIONS. It is important to review the definition of base monthly rent before proceeding with rental assistance payment entitlement computations.

The cost of all utilities must be added to the rent of the displacement dwelling, the comparable unit, and replacement dwelling when computing the rental assistance entitlement and payment.

After the monthly rent plus utilities of the most comparable rental property is established, the rental assistance payment entitlement is computed as follows:

If the rental assistance payment entitlement for tenants exceeds \$5,250, replacement housing of last resort must be used. Any computed payments exceeding that amount would be covered in the chapter entitled "LAST RESORT HOUSING".

## 2. Rental Assistance Payment Entitlement Computation

The rental assistance payment is computed using the same formula as the entitlement, except that the base monthly rent at the displacement dwelling is subtracted from the lesser of the monthly rent of a comparable replacement unit or the actual rent incurred for a DS&S replacement unit. This formula is shown as follows:

#### RENTAL ASSISTANCE PAYMENT

LESSER OF monthly rent of comparable OR actual replacement rent

minus	<u>base monthly rent at the displacement dwelling</u>	<u>\$ 550.00</u>
	monthly rent difference	\$ 100.00
	<u>times 42 months</u>	<u>\$4,200.00</u>
	rental assistance payment	\$4,200.00

Economic rent, i.e. market rent for a similar dwelling should be used when an eligible displaced homeowner-occupant elects to rent rather than purchase a replacement property.

“Less Than Fair Market Rent” occasionally, a tenant will enjoy a rent of less than economic (market) rent. It is the State responsibility to determine why the property is renting for a lower amount. If the property rents for less than market rent because the tenant performs a service for the landlord, the market rent may should be used in rental assistance payment considerations unless there are other extenuating circumstances. Such services might be making minor repairs and collecting rents from the other tenants, etc. This assumes that the value of the service performed is equal to the difference between actual rent paid and the market rent of the unit. If the actual rent paid is less because the displaced person is a long term or good tenant, then the actual rent paid would be used for rental assistance payment considerations.

The following is an example of a rental assistance payment entitlement computation:

A displaced tenant rented the displacement unit for \$250/mo. and paid utilities estimated at \$100/mo. The economic rent for the unit is approximately equal to the rent paid. The tenant has an income exceeding \$1100/mo. A rental unit costing \$300/mo. has been identified as the most comparable unit. The utilities at the comparable are estimated to be \$115/mo.

#### RENTAL ENTITLEMENT COMPUTATION

	\$415/mo Comparable Rent (\$300/mo rent + \$115/mo utilities)
minus	<u>\$350/mo Base Monthly Rent (\$250/mo rent + \$100/mo utilities)</u>
	\$ 65/mo Monthly Rent Difference
	times <u>42 months</u>

## \$2,730 Rental Assistance Payment Entitlement

Displaced person could claim \$2730 if the actual replacement rent plus estimated utilities was \$415 or more per month.

If this displaced person rented a replacement unit costing \$290/mo and the estimated utilities were \$90/mo, the actual rental assistance payment would be computed as follows:

### RENTAL ASSISTANCE PAYMENT COMPUTATION

	\$380/mo Replacement Rent (\$290/mo rent + \$90/mo utilities)
minus	<u>\$350/mo Base Monthly Rent (\$250/mo rent + \$100/mo utilities)</u>
	\$ 30/mo Monthly Rent Difference
	times <u>42 months</u>
	\$1,260.00 Rental Assistance Payment

## G. RENTAL ASSISTANCE PAYMENT (RAP) PROCEDURES (RAAP 13, 14, & 15A)

### 1. Rental Assistance Payments for 90-Day Tenants

The Specialist shall explain that the displacee may choose to rent or purchase his replacement dwelling. The Specialist shall identify comparable rental units and determine the rental assistance payment entitlement of the displaced person.

The average monthly utility cost for displacement dwellings as well as dwellings selected for comparable replacement housing and actual replacement dwellings will be determined by using the applicable schedule of COMBINED UTILITY COST PER SQ. FT. PER YEAR, commonly called the Utility Schedule. The Schedule separates the State into northern, central, and southern regions with different utility costs for each. Counties with different utility costs than the rest of that region are also separately identified on the page of costs for that region. A map showing the regional boundaries and list of counties within each region are included as part of the Schedule.

The Utility Schedule is based on the total (gross) square footage of a dwelling. The total square footage can often be obtained by taking exterior foundation measurements.

Documentation of utility computations at displacement, comparable, and replacement dwellings must be submitted with all rental entitlement determinations and rental assistance payment voucher assemblies. When all utilities are included in the rent for a dwelling, the rental amount that includes all utilities may be used for rental assistance entitlement and payment purposes instead of Utility Schedule computations.

If the displacee receives a welfare assistance that designates an amount for shelter and

utilities, the base monthly rent will be considered within his financial means, and the rental assistance payment will be computed in accordance with this amount. If the public assistance does not designate a specific amount for rent the rental assistance computation will be based on the monthly rent and estimated average monthly cost of utilities for the DS&S replacement dwelling actually occupied by the displaced person. However, no person shall receive a relocation payment if that person receives a payment under Federal, State, or local law that is determined to have the same purpose and effect as the relocation payment.

Foodstamps cannot be included as income in determining relocation entitlements. Foodstamps cannot be part of the computations to determine average gross household income in base monthly rent determinations.

After completing the rental assistance payment entitlement determination, the Specialist shall

- a. sign and date the appropriate line of his determination; (RAAP 15A)
- b. thoroughly check all computations, assemble all data, and complete the entitlement letter; (RAAP 17)
- c. submit the determination to the Central Relocation Office or Project Supervisor for approval;
- d. arrange an appointment at the earliest convenience of the displacee to explain his rental assistance entitlements and issue the entitlement letter;
- e. explain to the displacee how the entitlement was determined; and
- f. specify the entitlement amount and identify the location of the comparable dwelling used as the basis of the determination.

The full amount of the rental assistance payment vests to the displacee immediately, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing, except in the event of the death of a displaced person and an undisbursed portion of a rental assistance payment remains to be paid. (See Chapter I, DEFINITIONS AND GENERAL PROVISIONS, Payment After Death of Displacee for further information.)

The Specialist shall explain that referrals to rental properties will be made, as they become available. Since the referrals are for the rental of replacement housing, the rental rates of the referrals shall be within the financial means of the displacee.

The Specialist shall in no way act as an agent for any landlord or real estate broker. He will be careful in his conversations to avoid favoring one landlord over another in the

recommendations he makes to the displacee.

2. Rental Assistance Payment for 90-Day Owner-Occupants

A displaced owner-occupant who meets at least the 90-day occupancy requirements but elects to rent a replacement dwelling is eligible for a rental assistance payment not to exceed \$5,250. The rental assistance payment will be computed and disbursed in the same manner as a rental assistance payment to a 90-day tenant, except that the economic rent and estimated average monthly cost for utilities will be used in determining the base monthly rent. The amount of the rental assistance payment to the 90-day owner cannot exceed the amount computed as a replacement housing payment for a 180-day owner.

3. Rental Assistance for 180-Day Owner who elects to Rent.

A 180 day owner can get up to the amount of the determined RHP if the rental computation supports the supplement. If the RAP amount exceeds \$5,250.00 and is less than the determined RHP the payment is **NOT** considered LRH as it was prior to the CFR update.

EXAMPLE 1

The Dells are 180 day owner occupants when they are displaced in a Federally assisted project. The agency calculates a replacement housing price differential as follows:

List price of comparable dwelling	\$180,000
Acquisition price	<u>\$170,000</u>
Maximum RHP	\$10,000

The Dells elect to rent a replacement rather than purchase and the Agency located a similar replacement dwelling available to rent. The determined fair market rental of the subject (Dell's home) is \$1,600 per month and the rental replacement is \$1,800 per month.

Old Rule: The Dells could receive \$5,250. This is the maximum allowed.

New Rule: The Dells could receive \$8,400 which is the difference between the subject market rent and the cost of the replacement for a 42 month period. **THIS IS NO LONGER LAST RESORT HOUSING.**

Note:

- 1) 1. The Dells must be informed of the Price Differential even if they announce their intention to rent a replacement prior to the calculation of the differential.
- 2) Within one year the Dells may change their election and purchase a replacement home costing at least \$180,000 and claim their remaining eligibility (\$1,600).

EXAMPLE 2

Assume the “List Price of comparable dwelling” in the above case was \$176,000. The maximum price differential would then be \$6,000. Under the new rule the Dells would receive only \$6,000 for rental subsidy since that is their maximum eligibility.

#### 4. Completing Rental Assistance Payment Claims

When the Specialist receives a copy of the displacee's replacement rent receipt or lease, the Specialist shall secure the total (gross) square footage at the replacement dwelling and calculate the estimated average monthly cost of utilities using the Utility Schedule.

The Specialist shall enter on the appropriate forms the lesser of the monthly rent and estimated average monthly cost of utilities for a comparable dwelling as determined by the State or the monthly rent and estimated average monthly cost of utilities for the DS&S replacement dwelling actually rented and occupied by the displaced person. He shall review the parcel file to be certain that all forms have been completed correctly, and he shall make certain that all necessary documentation is included. (RAAP 15 or 15A)

He shall complete a claim voucher in the proper amount and present the fully completed claim voucher to the displacee for signature.

#### 4. Combined Utility Costs

Combined utility charges will be calculated using the current utility allowance schedule from the Indiana Housing Finance Authority (IHFA) web site. The schedule can be obtained by going to [www.indianahousing.org](http://www.indianahousing.org) and downloading the most current schedule.

The schedule is broken down into three regions; North, Central, and South. The chart below will indicated what counties fall into each region.

### COUNTIES BY REGIONS FOR UTILITY SCHEDULE APPLICATION

#### Northern Indiana:

ADAMS  
ALLEN  
BENTON

HUNTINGTON  
JASPER  
JAY

NOBLE  
PORTER  
PULASKI

BLACKFORD  
CARROLL  
CASS  
DEKALB  
ELKHART  
FULTON  
GRANT

KOSCIUSKO  
LAGRANGE  
LAKE  
LAPORTE  
MARSHALL  
MIAMI  
NEWTON

ST. JOSEPH  
STARKE  
STEUBEN  
WABASH  
WELLS  
WHITE  
WHITLEY

Central Indiana:

BARTHOLOMEW  
BOONE  
BROWN  
CLAY  
CLINTON  
DECATUR  
DELAWARE  
FAYETTE  
FOUNTAIN  
FRANKLIN  
GREENE  
HAMILTON

HANCOCK  
HENDRICKS  
HENRY  
HOWARD  
JOHNSON  
MADISON  
MARION  
MONROE  
MONTGOMERY  
MORGAN  
OWEN  
PARKE

PUTNAM  
RANDOLPH  
RUSH  
SHELBY  
SULLIVAN  
TIPPECANOE  
TIPTON  
UNION  
VERMILLION  
VIGO  
WARREN  
WAYNE

Southern Indiana:

CLARK  
CRAWFORD  
DAVIESS  
DEARBORN  
DUBOIS  
FLOYD  
GIBSON  
HARRISON  
JACKSON

JEFFERSON  
JENNINGS  
KNOX  
LAWRENCE  
MARTIN  
OHIO  
ORANGE  
PERRY  
PIKE

POSEY  
RIPLEY  
SCOTT  
SPENCER  
SWITZERLAND  
VANDERBURG  
WARRICK  
WASHINGTON

#### H. LESS THAN 90-DAY TENANT.

Example: A tenant moves into a dwelling after the initiation of negotiations. The Agency acquires the property 45 days after the tenant occupies the dwelling and issues the tenant a notice to vacate. The tenant's rental assistance is calculated as follows:

Tenant gross monthly income: \$1,000.00  
Current rent and utilities: \$500.00

Available rent & utilities: \$ 750.00

Tenant is low income per HUD schedule.

New rent & utilities \$750.00  
\* 30% of income: \$300.00

Difference: \$450.00 times 42 months

RAP equals \$18,900.00

#### I. DOWNPAYMENT ASSISTANCE PAYMENT (DAP) PROCEDURES (RAAP 15A)

The Specialist shall explain that the replacement dwelling must be DS&S and that the displacee must purchase and occupy the replacement dwelling as his principal residence within one year after the date of displacement.

Tenants in occupancy for 90 or more days prior to initiation of negotiations and 90-179 day owner-occupants are eligible for downpayment assistance payment and reimbursement of certain expenses incidental to the purchase. Eligible incidental expenses are the same as those used for 180-day owner-occupants. A 180-day owner-occupant is not eligible for downpayment assistance. The downpayment assistance payment cannot exceed \$5,250, unless it's a case of Last Resort Housing.

It is not the responsibility of the Specialist to locate replacement housing available for displaced tenants to purchase. The Specialist's obligation is to locate comparable rental housing and advise tenants of their rental assistance payment entitlements. If the tenant elects to purchase, the Specialist shall provide assistance if requested and shall insure that the purchased replacement housing is decent, safe, and sanitary and suitable in size and utility for the displaced person.

The Specialist shall explain that the entire amount of the downpayment assistance payment plus the eligible incidental expenses must be shown on the closing statement. The Specialist shall emphasize that the dwelling must be DS&S, that the total amount of the downpayment



assistance payment must be applied to the purchase price of the replacement dwelling and related incidental expenses, and that the maximum payment is \$5,250 regardless of higher computed amounts (except Last Resort cases)

1. Downpayment Assistance Payment for 90-Day Tenants

All displaced tenants who are eligible for a downpayment assistance payment (DAP) and purchase DS&S conventional replacement dwellings will receive the amount ordinarily required by financial institutions in the area to obtain conventional loan financing and to pay eligible incidental expenses for the dwelling actually purchased. The entire downpayment assistance payment must be applied to the purchase price and eligible incidental expenses of the replacement dwelling or to the principal balance of the loan if applied after the purchase. There must be great care taken to watch for unconventional fees and charges.

2. Downpayment Assistance Payment for 90-179 Day Owner-Occupants

A downpayment assistance payment for a 90-179 day owner-occupant requires an additional step to establish payment eligibility and limitations. The downpayment assistance payment cannot exceed the amount that would have been received under the replacement housing payment computation for a 180-day owner. Therefore, the Specialist shall determine the amount a 90-day owner-occupant could receive as a replacement housing payment including price differential, increased interest, and eligible incidental expenses to purchase a comparable replacement dwelling if he or she met the 180-day occupancy requirements. The maximum available downpayment to a 90-179 day owner-occupant would be the lesser of the computed replacement housing payment or \$5,250.

The Specialist shall explain to 90-day owners-occupants that the downpayment assistance payment they may receive is limited to the amount they would receive as a replacement housing payment to purchase a comparable replacement dwelling if they met the 180-day occupancy requirements, not to exceed \$5,250, unless it's a case of Last Resort Housing.

A displaced person eligible to receive a replacement housing payment as a as a 180-day owner-occupant is not eligible to receive a downpayment assistance payment.

3. Selection of Replacement Dwelling by Displacee

Upon notification by the displacee that he has chosen a replacement dwelling, the Relocation Specialist shall:

- a. Arrange to conduct a DS&S inspection at the earliest possible date. (RAAP 18) The displacee should be encouraged to request a DS&S inspection prior to making any

commitment on a replacement dwelling. This inspection shall be a personal, on-site inspection conducted by the Specialist in accordance with applicable standards. The Specialist shall complete a DS&S Report (RAAP 18) of his inspection and it shall become part of relocation records.

- b. Make known to the displacee that a statement of eligibility will be forwarded to any person, agency, or lending institution requested by the displacee. When the displacee is initially eligible for a downpayment assistance payment but has not purchased or occupied a DS&S replacement dwelling, the Specialist will inspect the proposed dwelling. If it meets DS&S standards, he will state to the displacee and the lending institution involved that the displacee will be eligible for a payment and specify the amount provided he purchases and occupies that particular dwelling by a specified date.
- c. Assist the displacee in filing a claim by insuring that the displacee provides a copy of the replacement dwelling closing statement and a copy of the deed for the replacement dwelling. The closing statement should indicate the application of the downpayment assistance payment and contain an itemization of incidental expenses.

#### 4. Completing Downpayment Assistance Claims

Upon receipt of all necessary documentation required to compute the payment, the Specialist shall record on the appropriate form the amount required for downpayment according to the closing statement on the dwelling actually purchased. The Specialist shall itemize from the closing statement all eligible incidental expenses paid by the displacee. Eligible incidental expenses are listed under "REPLACEMENT HOUSING PAYMENTS FOR 180-DAY OWNER-OCCUPANTS, 3. Incidental Expenses".

The maximum amount of the downpayment assistance is \$5,250 unless a Last Resort Rental Assistance payment is indicated.

### J. MOBILE HOMES

#### 1. The Mobile Home - Realty or Personalty

The determination of a mobile home status as realty or personalty governs the type of relocation payments the owner receives. In general, there are fewer problems associated with acquiring a mobile home as realty if the owner-occupant of the mobile home also owns the site. Mobile homes are considered realty if the wheels have been removed and the mobile homes have been attached in some permanent fashion to the site.

If the mobile home is realty, it will be appraised in the same manner as other real property. The acquisition price of the mobile home and the site will be used as the basis for

computing the replacement housing payment for the owner-occupant.

If the mobile home is not acquired because it is considered personalty and is relocatable, the owner is entitled to reimbursement of the cost to move the mobile home. An owner-occupant will be reimbursed for the cost to move the mobile home, but will not be entitled to a replacement housing payment for the mobile home. However, he or she may be eligible for a replacement housing payment for an appropriate replacement site if the site was purchased for the project.

A whole new set of circumstances is introduced if the owner-occupied mobile home is considered personalty, but the State determines it cannot be moved because

- a. the mobile home is not and cannot economically be made decent, safe, and sanitary because it is structurally unsound, inadequate in size to accommodate the displaced person(s), or does not meet code requirements; or
- b. the mobile home cannot be moved without substantial damage or unreasonable cost; or
- c. there are no available comparable sites for the mobile home; or
- d. the mobile home is decent, safe, and sanitary, but mobile home park entrance requirements require extensive modifications that are not uneconomical; or
- e. the mobile home cannot be relocated because it does not meet mobile home park entrance requirements.

If the mobile home is considered personalty, but cannot be moved because of the above circumstances, the State may purchase the mobile home and use the purchase price as a base for determining the replacement housing payment. If the State does not purchase the mobile home, the salvage value or trade-in value of the mobile home, whichever is higher, shall be used as the acquisition cost of the mobile home for purposes of computing the replacement housing payment.

Mobile homes considered personalty should not be difficult to move if they are in good condition and replacement sites are available. If a mobile home needs repairs, modifications or correction of certain DS&S standards, and the State decides the costs would be reasonable, and then the costs of such repairs would be reimbursable as a moving related expense.

If an owner-occupant disagrees with the State's determination that a mobile home can be relocated and refuses to move and re-occupy the mobile home, the State may use as cost of a comparable mobile home, the sum of

- (1) the value of the mobile home;

- (2) the estimated cost of any necessary repairs or modifications;
- (3) the estimated cost of moving the unit to replacement site; and
- (4) any necessary related expenses.

The displaced persons will be responsible for removing the mobile home from the project site. If the mobile home is abandoned in place, the State may remove it in accordance with State law.

The situation noted above could best be explained by example. A displaced person who owns a mobile home with an oil-fired furnace is denied admittance to a replacement mobile home park because the park will not allow the necessary outside oil tank. The State could convert the mobile home's heating system to gas and move the mobile home for a reasonable cost. The modified mobile home provided to the displaced person will be a DS&S comparable in accordance with the regulations and will make the displaced person "whole".

## 2. Replacement Housing Payments

Ownership / Tenancy Requirements. The ownership or tenancy of the mobile home determines the occupant's status as an owner or a tenant, not the site upon which it is located. The length of time the mobile home has been located on the displacement site prior to the initiation of negotiations determines the occupant's status as a 180-day owner, a 90-179 day owner, or a 90-day tenant.

### a. 180-Day Owner-Occupants

A displaced owner-occupant who has owned and occupied a mobile home on the displacement site for at least 180-days immediately preceding the initiation of negotiations for the acquisition of the mobile home and/or the site is entitled to a replacement housing payment. Such an owner-occupant will be computed for a replacement mobile home and site, or a conventional dwelling if DS&S comparable mobile homes and sites are not available.

An alternate payment for rental assistance may be selected by the owner-occupant. The computed payment cannot exceed \$5,250 and would be based on the economic rent of the acquired mobile home and site.

### b. 90-179 Day Owner-Occupants

A displaced owner-occupant who has owned and occupied a mobile home on the displacement site for at least 90 days but less than 180 days immediately preceding the

date of initiation of negotiations for the acquisition of the mobile home and/or site is entitled to a replacement housing payment not to exceed \$5,250.

c. 90-Day Tenants

A displaced tenant who has occupied a mobile home on a displacement site for 90 days or more immediately preceding the initiation of negotiations for the acquisition of the mobile home and/or the site is also entitled to a replacement housing payment not to exceed \$5,250 for rental assistance or downpayment assistance.

If the tenant-occupied mobile home is to be relocated, the tenant may elect to remain a tenant in the subject mobile home at the replacement site. If so, he/she may be eligible for a rental assistance payment providing the mobile home is decent, safe and sanitary and there is justifiable increase in the rent at the replacement site. However, the payment may not exceed the State's computation based on a comparable mobile home and site.

The displaced person may also be eligible for a downpayment to purchase a replacement mobile home and site, or a conventional dwelling based on the DS&S replacement property actually purchased and occupied. The total downpayment may not exceed \$5,250 for mobile home and site or conventional dwelling.

The basic replacement housing payment computed for both the 90-day tenant and the 90-day owner-occupant will be a rental assistance payment for a replacement mobile home and site, a replacement mobile home site, or a conventional dwelling if no comparable mobile homes and/or sites are available. If the 90-179 day owner-occupant elects to purchase, a replacement housing payment will be computed as if for a 180-day owner in the same manner as is computed for a conventional dwelling occupant.

If an owner-occupant is reimbursed for the cost of moving the mobile home and any necessary related expenses, he/she is not eligible to receive a replacement housing payment to assist in purchasing or renting a replacement dwelling. However, an owner-occupant may be eligible for a rental assistance payment, a price differential payment or a downpayment toward the rental or purchase of a replacement site depending on the occupancy status of the person on the site, i.e. tenant or owner of the site, and length of occupancy of the site.

3. Replacement Housing Payment Computations

Replacement housing payment computations for person displaced from a mobile home are usually comprised of a computation for a comparable mobile home and a computation for a comparable mobile home site.

The first step is to compare the value of the displacement mobile home to the cost of a comparable mobile home and compute a replacement housing payment entitlement or a rental assistance entitlement depending upon the ownership or tenancy of the mobile home occupant.

The second step is to compare the displacement site to a comparable replacement site and compute a price differential entitlement, or a rental assistance entitlement, depending upon the ownership or tenancy of the mobile homesite.

If the displaced person owns both the mobile home and the mobile home site, the Specialist should endeavor to locate a mobile home on a site as a unit for comparison purposes, similar to the comparison of conventional dwellings. (See Example 1 for a detailed computation.)

a. Mobile Home to Conventional Dwelling

There will be some cases when a displaced mobile home owner-occupant will prefer to purchase and relocate to a conventional dwelling. When this occurs, the maximum price differential computation will be based on a comparable mobile home and site. (See Example 7 for a more detailed discussion and a sample computation for a mobile homeowner who purchases a conventional dwelling.)

b. Conventional Dwelling to Mobile Home

Occasionally, a 180-day owner who occupies a conventional dwelling may decide to purchase a mobile home and site or to rent a replacement site. The replacement housing payment entitlement would be computed in the usual manner using a conventional dwelling.

If the displaced person purchases a DS&S mobile home and site, he or she can receive a replacement housing payment up to the amount of the computed entitlement plus incidental purchase expenses and an increased interest payment. This total amount may not exceed \$22,500. (See example 8.)

c. Replacement Housing Payment for a Site Only.

A replacement housing payment for an owner-occupant who is reimbursed for the cost of moving his or her mobile home will be computed for a replacement site. The computation for 180-day owner-occupant cannot exceed \$22,500 for a site comparable to the displacement site, but both the mobile home and mobile home site must be considered when computing the replacement housing payment. The computation for a tenant or 90-179 day owner-occupant cannot exceed \$5,250 for a replacement rental site or downpayment on a purchased site. (See examples 2 & 4.)

d. Replacement Housing of Last Resort

Replacement Housing of Last Resort should be utilized when

- (1) comparable replacement housing is not available for the displaced person; or
- (2) comparable replacement housing is available, but the computed entitlement exceeds the maximum amounts of \$22,500 for 180-day owner-occupants and \$5,250 for tenants or 90-179 day owner-occupants.

4. Moving Costs and Related Expenses

Any displaced person who owns and/or occupies a mobile home located on the property required for the project is entitled to reimbursement of moving costs and related expenses for moving the mobile home if it is considered personal property or for moving the contents of the mobile home if the mobile home, itself is not moved.

5. Owner-Occupants of Mobile Homes Classified as Personalty

The owner-occupant of a displaced mobile home classified as personal property and not acquired by the State may be reimbursed for reasonable and necessary moving and related expenses. A licensed mover in Indiana must move mobile homes. Therefore, the cost of moving a mobile home will be reimbursed on an actual cost basis. The following expenses may be eligible for reimbursement:

- a. Moving the mobile home and other personal property. Moving expense is generally limited to a 50-mile radius unless the State determines that a move in excess of 50 miles is justified.
- b. Packing, crating, moving, unpacking, and uncrating personal property. If the mobile home owner-occupant performs these services, the State may, at its discretion, pre-establish a reasonable amount for reimbursement of these expenses instead of requiring documentation through use of the moving cost schedule
- c. Disconnecting and reconnecting household appliances.
- d. The reasonable cost of disassembling, moving, and reassembling any attached appurtenances such as porches, decks, skirting and awnings which were not acquired, plus the cost of leveling the mobile home, anchoring the mobile home, and utility hook-ups.

- e. The cost of repairs or modifications to enable a mobile home that is considered personalty to be moved and/or the costs necessary to make the mobile home decent, safe, and sanitary, providing the State determines the cost is reasonable and economically feasible.
  - f. The cost of insurance for the replacement value of the mobile home and other personal property being moved during the move.
  - g. The replacement value of the mobile home and other personal property lost, stolen, or damaged during the moving process, which is not the fault of or due to the negligence of the displaced person, his/her agent, or employee(s), when insurance covering such loss, theft, or damage is not reasonably available.
  - h. A non-returnable mobile home park entrance fee is also reimbursable as part of the moving cost provided that the fee does not exceed the fee charged at a comparable mobile home park. The State must also make the determination that payment of the entrance fee is necessary in order to relocate the mobile home.
  - i. Transportation costs of mobile home occupants to the replacement site.
  - j. Temporary lodging (including meals) for displaced mobile home occupants while a mobile home is being relocated and reestablished at a replacement site. Temporary lodging is to be used only for a short period of time and payment should be based on costs that are reasonable and necessary.
  - k. Other related moving expenses that the State determines to be reasonable and necessary which are not listed as ineligible under the Uniform Regulations.
6. Non-Occupants of Mobile Homes Not Acquired as Realty

A non-occupant owner of a displaced mobile home that is determined to be personalty and is not purchased by the State may be reimbursed for the cost of moving the mobile home. A licensed mover in Indiana must move mobile homes. Therefore, the cost of moving a mobile home will be reimbursed on an actual cost basis.

7. Tenant-Occupants of Mobile Homes

A tenant-occupant of a displaced mobile home may be reimbursed for moving his/her personal property on an actual cost basis or on the basis of the moving expense schedule. The moving expense allowance depends on the number of rooms of furniture and whether the mobile home is rented furnished or unfurnished.



## 8. EXAMPLES

There are many variations in payment and benefit computations for mobile home owners and occupants. These variations are generally considered to be unique and would normally only apply to mobile homes. However, they could also apply to boats or other "detachable" structures used as dwellings. Example computations are included here of some of the various payments for which mobile home occupants may be eligible. As a reminder, any time an owner-occupant relocates a mobile home not purchased for the project because it is considered personalty, he or she is entitled to the cost of moving that mobile home to the replacement site. This payment is in addition to the replacement housing payment for the site.

### a. Replacement Housing Payments For 180-Day Owner-Occupants

#### **Example 1 -- 180-Day Owner-Occupant**

The displaced person owns the mobile home and site. The mobile home is considered realty and the State will be acquiring both the mobile home and the site.

The displaced person may be eligible for a replacement housing payment to purchase a decent, safe, and sanitary replacement mobile home, a replacement site, incidental expenses for purchase, and an increased interest payment. The displaced person may purchase or rent a conventional dwelling instead of a mobile home if he or she wishes.

The maximum replacement housing payment will be \$22,500 for a purchased unit or \$5,250 for a rental assistance payment unless replacement housing of last resort is required.

Since the displaced person owns both the mobile home and the site, the State should try to locate comparable mobile homes and sites for sale as one unit to use for computing the RHP entitlement. If such comparables are not available, an alternative could be to compare the subject mobile home to comparable mobile homes and the subject mobile home site to comparable mobile home sites, then combine the two computations for the RHP entitlement.

If comparable mobile homes and sites are not available, it may be necessary for the Specialist to compute the RHP entitlement using a larger or more expensive mobile home and site or a conventional dwelling and lot.

If the displaced person elects to rent a decent, safe, and sanitary mobile home and site instead of buying, the rental assistance payment will be the rent for a comparable mobile home and site minus the market rent of the displacement mobile home and site

for a 42-month period. The maximum rental assistance payment he/she will be eligible to receive is \$5,250.

### **Example 2 -- 180-Day Owner-Occupant**

The displaced person owns the mobile home and site, but only the site is being acquired. The mobile home is considered personalty and will be moved to a replacement site.

In this case the displaced person may be eligible for a replacement housing payment not to exceed \$22,500 to purchase a replacement site.

If the displaced person elects to rent a replacement site instead of purchasing, the rental assistance payment will be based on the market rent of the displacement site and computed in the usual manner for a 42-month period. The rental assistance payment cannot exceed \$5,250.

If a comparable replacement mobile home site is not available, the State may determine that the mobile home cannot be relocated, and the RHP entitlement will be computed in accordance with the replacement housing payment section of the regulations for conventional dwellings using the salvage value or trade-in value, whichever is higher, of the mobile home as the acquisition price and the acquisition price of the site. If the total RHP exceeds \$22,500, replacement housing of last resort will be required.

The displaced person may also be eligible for rental assistance to rent a replacement site. The rental assistance payment cannot exceed \$5,250. The combined payments cannot exceed \$22,500. If the total of the combined payments do exceed \$22,500, replacement housing of last resort must be provided.

If the displaced person elects to rent a mobile home or conventional dwelling instead of purchasing, the payment will be based on the market rent of the displacement mobile home and computed in the usual manner for a 42-month period. The difference in the monthly rent for a comparable replacement site, if higher, will also be computed for the 42-month period as a rental assistance payment for the site. The total of the combined payments in this case cannot exceed \$5,250.

#### **b. Replacement Housing Payments for 90-179 Day Owner-Occupants**

### **Example 3 -- 90-179 Day Owner-Occupants**

The displaced person owns the mobile home and the site. The State will be acquiring both the mobile home and the site. The mobile home is considered realty.

The displaced person may be eligible for a downpayment to purchase a decent, safe, and sanitary replacement mobile home and site or a conventional dwelling plus any incidental expenses involved in the purchase. The payment may not exceed the amount that he/she would have received as a 180-day owner or \$5,250, whichever is less.

If the displaced person elects to rent a decent, safe, and sanitary replacement mobile home and site or conventional dwelling instead of purchasing, the rental assistance payment will be based on the market rent of the displacement mobile home and site and computed in the usual manner for a 42 month period. If the total computation for both the mobile home and the mobile home site exceeds \$5,250, replacement housing of last resort must be used.

#### **Example 4 -- 90-179 Day Owner-Occupants**

The displacee owns the mobile home and the site, but only the site is being acquired. The mobile home is considered personalty and will be moved to a replacement site.

In this case, the displaced person would be eligible for a downpayment to purchase a replacement site or a rental assistance payment to rent a comparable site. The downpayment assistance payment may not exceed what he/she would have received as a 180-day owner-occupant or \$5,250, whichever is less.

A rental assistance computation would be based on the difference in the market rent of the displacement site and a comparable replacement site and computed in the usual manner for a 42-month period. If the rental assistance payment exceeds \$5,250, replacement housing of last resort would be required.

#### **Example 5 -- 90-179 Day Owner-Occupants**

The displaced person owns the mobile home and rents the site. The mobile home cannot be acquired because it is considered to be personal property. However, due to its age and deteriorated condition, the State has determined that the mobile home cannot be relocated without substantial damage or unreasonable cost.

Since the mobile home cannot be moved without substantial damage and the estimated cost of repairing the damage is unreasonable, the displaced person should be informed of his/her eligibility for a downpayment assistance payment to purchase replacement housing or a rental assistance payment if he/she chooses to rent.

An alternative to acquisition should be used by the State in these situations. Salvage value or trade-in value of the mobile home, whichever is higher may be computed for

the displaced person in place of the acquisition price. However, this alternate payment must be deducted from the computed downpayment or rental assistance payment as if the mobile home had been acquired because the displaced person will have the proceeds from the salvage value or trade-in to apply toward the purchase of the replacement unit.

A rental assistance payment should be computed for a replacement mobile home and site, if available, or a conventional dwelling if there are no mobile homes or sites available. The maximum payment would be \$5,250 unless replacement housing of last resort is used.

If the displaced person elects to purchase a replacement mobile home and purchase or rent a replacement site, the maximum payment for downpayment assistance would be limited to the amount he or she would have received as a 180-day owner or \$5,250, whichever is less. In any event, the payments for purchase of a mobile home and purchase or rental of a replacement site cannot exceed \$5,250 unless replacement housing of last resort is needed.

It should also be kept in mind that the displaced person may wish to move the mobile home to a replacement site and continue in occupancy, regardless of the State's determination that it would be impractical to move. Because the mobile home is considered personal property, the State is obligated to reimburse the displaced person for moving and related expenses plus the reasonable costs of repairs necessary to correct damages incurred during the move.

c. Replacement Housing Payments for 90-Day Tenants

**Example 6 -- 90-Day Tenants**

The displaced person rents both the mobile home and site. The State will be acquiring the mobile home and site from the owner.

The displaced person may elect to rent a DS&S replacement mobile home and site or conventional dwelling. However, the rental assistance computation will be based on the average monthly rent of the displacement mobile home and site as compared to a comparable mobile home and site in the usual manner for a 42-month period.

The person in this example may also decide to purchase a decent, safe, and sanitary replacement mobile home and site or a conventional dwelling and be eligible for a downpayment not to exceed \$5,250.

In either case, the displaced person would also be eligible to receive a moving cost payment for moving his or her personal property from the mobile home and the mobile home site.

- d. Replacement Housing Payments for 180-Day Owner-Occupants Who Also Own the Site and Purchases a Conventional Dwelling

**Example 7**

Cost of Comparable Mobile Home	\$18,000
<u>minus Payment for Displacement Mobile Home</u>	<u>-10,000</u>
Price Differential Entitlement for MH	\$ 8,000
 Cost of Comparable MH Site	 \$ 8,000
<u>minus Payment for Displacement MH Site</u>	<u>- 6,000</u>
Price Differential Entit. for MH Site	\$ 2,000
 Price Differential Entitlement for MH	 \$ 8,000
<u>plus Price Differential Entit. for MH Site</u>	<u>\$ 2,000</u>
total Price Differential Entitlement	\$10,000
 Actual Cost of Replacement Conv. Dwelling	 \$45,000
 Price Differential Payment	 \$10,000

- e. Replacement Housing Payments for 180-Day Owner-Occupants of Conventional Dwellings Who Purchase a Mobile Home and Site.

**Example 8**

Cost of Comparable Replacement Property	\$40,000
<u>minus Payment for Displacement Dwelling and Site</u>	<u>\$35,000</u>
Price Differential Entitlement	\$ 5,000
 DS&S Mobile Home Purchased	 \$28,000
Set up charges on new lot	\$ 1,500
Replacement Site (land	\$ 8,000
<u>Site Improvements (Pad/Driveway/Water/Septic)</u>	<u>\$ 4,000</u>
Total Replacement Cost	\$41,500
 total Replacement Cost	 \$41,500
<u>minus Payment for Displacement Dwelling &amp; Site</u>	<u>\$35,000</u>
Increased Cost of Actual Replacement Dwelling	\$ 6,500
 Price Differential Entitlement	 \$ 5,000

The actual price differential payment in this example would be \$5,000. The displaced person would also be reimbursed for eligible incidental expenses and increased interest costs if any were actually incurred.

K. RESIDENTIAL MOVES

All displaced persons, residences, businesses, and farms are entitled to be reimbursed for the actual and reasonable cost of moving personal property from the acquired property. The Uniform Act provides a wide range of reimbursement options. Therefore, residential and business/farm moves will be discussed separately. The following residential moving procedures are to be used for both owner-occupants and tenants.

Household moves are a common occurrence in our mobile society and are regarded as routine events. Indeed, a family moving to a larger or better home may reflect business success or a promotion, the prospect of better schools, and more convenience. The family moving to a new city or town is frequently following a new job opportunity. Some of the tensions and inconveniences of moving are offset by the prospects of an improved social or economic status. However, this may not be the case when the move is caused by a public project.

Moves caused by public projects are usually involuntary, i.e. they were imposed by a Government agency. It may not be related to family needs, nor is it a signal of job success. It is often a very stressful and emotional experience. Fear, helplessness, hostility, and anger are some of the feelings that may surface as the result of such an involuntary move. These negative reactions can be more intense when the displaced residents are more vulnerable or dependent upon their neighborhood ties. This is more likely to be true when the displaced persons are elderly or handicapped. Persons with fewer housing options may be particularly resentful of an involuntary relocation.

The above conditions encourage Specialists to be more sensitive and patient when working with persons involuntarily displaced from their residences. Advisory services provided by the Specialist can help to alleviate some of the anxiety caused by the displacement. The positive aspects of moving should be emphasized. There are also specific actions that can be taken to facilitate the actual move of a household. These would include:

- a. providing a list of local commercial movers who have been screened for reliability and reasonable costs;
- b. preparing lists of local move-it-yourself truck and trailer rental companies and self-storage locations with the current rates for their services;
- c. being readily available to explain State regulations, the claim process, and payment procedures;

- d. making a telephone call or personal visit to the family a day or so prior to the move to confirm moving plans and learn of any problems;
- e. always being willing to listen, even if you feel the problem is beyond your control or the complaint is irrational. Problems of this nature are very real to the displaced person. It can be helpful to listen attentively without being argumentative.
- f. helping elderly and handicapped displaced persons with assistance in conducting the move;
- g. making social services referrals and notifying other family members of the pending move; and
- h. providing other materials to assist in planning and preparing for the move.

The Specialist shall determine the eligibility of each displacee for this payment and explain the reimbursement of moving costs. A displaced person is eligible to be reimbursed for the cost of one move. However, when it is shown to be in the public interest, the State may approve reimbursement for more than one move.

After the displacee completes the move, the Specialist shall conduct a post-move inspection of the displacement and replacement dwellings to verify that the displacement dwelling has been vacated and that all personal property has been moved in accordance with the premise on which the moving expense payment was based. The Specialist shall identify in a Specialist's Report (RAAP 8), any deviation of the items actually moved from those on which the moving payment computation was based. Deviation to any significant amount will cause the moving payment amount to be adjusted accordingly. For actual cost moves, the approved inventory shall be used as a checklist for this inspection.

A displacee must file a written claim with the State in order to receive payment. The claim must be filed within 18 months after the date of displacement for tenants, or for owners, within 18 months after the later of the date of displacement or the date of final payment for the property being acquired for the project. Payment should be made only after the move has been accomplished. Where hardship exists, payment may be made in advance of the actual move. By written pre-arrangement with the State, the displacee, and the mover, the displacee may present an unpaid moving bill to the State for direct payment to the mover.

The Specialist shall explain that the displacee may elect to use the moving expense schedule or to be reimbursed for an actual cost move supported by receipted bills or expenses incurred in accordance with the list of eligible moving costs. The displacee shall be advised that he must choose the method he prefers for reimbursement and that a residential move cannot be mixed or split into part moving expense schedule and part actual cost move.

## 1. Residential Moving Options

The displaced person has a choice of being reimbursed on an actual cost basis for moving costs actually incurred or on the basis of a fixed schedule, or a combination of both. These are explained in detail below:

### a. Actual Cost Moves

Actual cost reimbursement, as the name implies, is a payment for the actual direct expenses incurred by the resident in accomplishing the move. A commercial mover may do the move or it may be done by an actual cost self-move. Payment will be made on the basis of paid receipts for costs incurred.

The Specialist shall explain that the payment will be for actual costs incurred and that an inventory of personal property to be moved will be required. Up to two bids or estimates from reputable movers will be secured by the Specialist, as needed, to establish the reasonable cost of the move. (RAAP 26, 27, & 28)

The displacee may be reimbursed the actual, reasonable cost of a move performed by a commercial mover. The Specialist shall explain that reimbursement will be based on paid receipts submitted after the move is completed.

In cases where atypical items such as ham radio equipment, computers, above ground swimming pool, satellite dish antenna, or other such residential items must be moved from a residential property, the displacee may choose an actual cost reimbursement to engage a mover to move the atypical items, or may choose to perform an actual cost self-move of the atypical items. When an actual cost self-move is selected, evidence of "other expenses incurred" may include time spent by the displacee in moving the atypical items. The Relocation Specialist must document the reasonable cost of moving these items by obtaining an informal estimate or comparing the cost incurred with other similar actual cost moves.

If the displacee indicates he is interested in an actual cost moving expense payment, the Specialist shall make arrangements with the displacee to prepare an inventory of the personal property to be moved. Both the Specialist and the displacee shall sign and date the inventory. If prepared by the displacee, the Specialist shall verify the accuracy of the inventory before signing it, even if this requires counting of items. The Specialist shall proceed with the actual moving expense procedure as follows:

- (1) Select up to two local, reputable movers that regularly perform residential



moves.

- (2) Make personal contact with a representative of each mover, review the inventory, bid agreement, and bid specifications. Any questions regarding how the move is to be performed or what items are to be moved, etc. should be resolved at this time. (RAAP 26 & 27)
- (3) Upon receipt of moving bids, review the bids for mathematical and content accuracy in accordance with the bid specifications and the inventory. If two bids are widely divergent in price and incompatible, the Specialist may obtain a third bid in an attempt to confirm one of the other two. (RAAP 30)
- (4) Submit all bids to the Project Supervisor or Central Relocation Office for review and approval of the low bid amount.
- (5) Notify the displacee of the amount that the State has determined to be the reasonable cost of his planned move.

(1) Eligible Actual Moving Expenses - Residential

When the displacee elects to move on an actual cost basis, the following expenses are eligible for reimbursement:

- (a) Transportation of the displaced person and personal property to the replacement site up to a distance of 50 miles. Transportation costs beyond 50 miles are not eligible unless the State determines that relocation beyond 50 miles is justified.
- (b) Packing, crating, unpacking, and uncrating of the personal property, or, if an actual cost self-move, rental vehicles or equipment such as trucks, pads, and dollies plus compensation paid to persons to help conduct the move.
- (c) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property. Utility transfer charges, telephone and cable TV are eligible.
- (d) Storage of displaced personal property for a period not to exceed 12 months when approved in advance by the State unless the State determines that a longer period is necessary. Costs for storage on the displacement site or other real property owned or leased by the displacee is not reimbursable.
- (e) Insurance premiums for the replacement value of the personal property in connection with the move and approved storage.

- (f) The replacement value of property lost, stolen, or damaged during the move when insurance covering such loss, theft, or damage was not reasonably obtainable and the loss, theft, or damage was not the fault of or result of negligence by the displacee, his agent, or his employee.
- (g) Other moving related expenses that are determined by the State to be reasonable and necessary and that are not listed as ineligible. These may include special services such as an ambulance to transfer persons who are physically handicapped.
- (h) The reasonable and customary cost of preparing the bid, paid to the mover.

The total amount of reimbursement under the actual cost option is limited only by costs actually incurred, which are necessary and reasonable for the move. The Specialist should use good judgment and common sense in determining necessity and reasonableness. The reasons for the determinations should be provided to the displaced persons before they incur costs or expend time. Guidelines for record keeping should be made available.

Questionable items or amounts should be challenged before the costs are actually incurred whenever possible. For example, charges for packing should be related to the amount of property that requires packing. The hourly rate charged in an actual cost situation should be based on the person's usual hourly wage, not to exceed the rate or amount charged by local moving firms. It may be helpful to advise displaced persons of the appropriate hourly rates to be used. One way of setting these figures may be to use the rate paid to unskilled packers and movers of local moving firms. If questionable costs are submitted, the displaced person should be given the opportunity to provide an explanation. Also, displaced persons should be advised of the appeal process and how decisions adverse to him or her can be reconsidered.

## (2) Ineligible Moving Expenses - Residential

The following is a nonexclusive listing of expenses considered ineligible for reimbursement as residential actual moving expenses:

- (a) Cost of moving structures, improvements, or other real property in which the displaced person reserved ownership.
- (b) Improvements to real property at the replacement site except modifications required to accommodate relocated personal property.
- (c) Interest on loans to cover moving expenses.

- (d) Loss of goodwill, profits, or trained employees.
- (e) Additional operating expenses because of operating at a new location.
- (f) Personal injury.
- (g) Cost of preparing the claim for moving and related expenses.
- (h) Payment for search costs in connection with locating a replacement dwelling.
- (i) Costs for storage of personal property on real property owned or leased by the displacee.

b. Moving Cost Schedules

The moving cost schedule method for payment provides the opportunity for the displaced resident to be paid a fixed allowance in place of actual costs incurred. This method is administratively simple since it minimizes record keeping and paperwork for the displaced person and the State. There are two schedules. One pertains to dwelling units where the displaced person owns the personal property to be moved, and the other pertains to cases where the displaced person occupies a furnished unit and does not own the majority of personal property. Payment under each schedule is based upon a room count of the number of rooms occupied.

The advantage of the moving cost schedule for both the State and the displaced person is that it minimizes the required record keeping. The schedule is clear, simple, and easy to administer.

Displaced persons should know in advance the amount that will be paid for the move so they can plan accordingly. With the schedule payment, the displacee shall be advised that he may employ a mover or perform the move himself. If the move costs less than the schedule provides, the displaced person is money ahead. The schedule reimbursement method is often used by those who plan to move themselves or with the help of friends. The money saved can be used for any other purpose.

Any person displaced from a dwelling, mobile home, or seasonal residence may elect to receive a fixed payment based on the moving cost schedule. The Specialist shall advise the displacee of the amount to which he would be entitled prior to the move and in accordance with the following schedules based on number of rooms containing personal property:

- (1) Rooms are containing the displacee's personal property:

Number of rooms w/ furniture	Amount
1	\$ 425.00
2	\$ 625.00
3	\$ 825.00
4	\$ 900.00
5	\$ 1,025.00
6	\$ 1,150.00
7	\$ 1,300.00
8	\$ 1,400.00

Each added room is \$200.00 per room  
One room no furniture-\$375.00, Addt-\$100.00

- (2) Rooms where the displacee does not own the furniture, e.g. sleeping room, furnished dwelling, etc.

First room - \$225. Each additional room - \$35

The schedule moving expense payment shall be limited to \$50 for

- (a) a person with minimal personal possessions who is in occupancy of a dormitory style room shared by two or more other unrelated persons;  
or
- (b) a person whose residential move is performed by an agency at no cost to the person.

c. Special Situations

The administration of the residential moving reimbursement process is simple in most cases, but variations can and do occur. Most are due to the variety in living and room arrangements and the unpredictable personal circumstances that occur. A few of the more typical situations are discussed below:

(1) The Split Move

Residents in a unit may decide to move to separate locations. If the separate move is voluntary, the total reimbursement should not be more than would have been incurred

had a single move occurred. If a separate move is necessary because a comparable unit is not available, the State should then reimburse fully for both moves.

(2) What constitutes a room?

The moving cost schedule is based on room count, but is a combination living room-dining room, one room or two? Do basements or attics where items are stored constitute rooms?

Any differentiated area could constitute a room for schedule move purposes. The living room-dining room combination could be two rooms since it is used for two living functions. If an area such as an attic contains a sufficient amount of personal property, it can be counted as a room. The determination is a matter of good judgment on the part of the Specialist.

When the move includes additional rooms of furniture greater than the number of rooms in the dwelling, those additional rooms of furniture must be substantiated with

- (a) an inventory of the additional items that constitute each additional room; and
- (b) photographs of those items; and
- (c) a Specialist's Report explaining how the number of additional rooms was determined.

The Specialist shall determine the number of rooms of furniture to be moved. Bathrooms, hallways, closets, vestibules, and powder rooms cannot be included in the counted rooms. Attics, basements, garages, and sheds are a normal part of a residential move and cannot be counted as additional rooms of furniture unless substantial amounts of residential-related personal property are documented to be present.

(3) Property Stored Outside the Residence

What about property stored outside of the residence? Can these items be included in the scheduled move?

The schedule is intended to reimburse the displaced person for moving personal property located within the dwelling, garage or storage area which relates to the residential occupancy of the property. On occasion, a displaced person may have substantial property stored outside or used for a hobby, e.g. woodworking shop. These items can be counted as a room(s) and paid under the schedule for

residential moves if the cost of moving them would be approximately equivalent to moving an additional room(s) of furniture.

In cases where there are atypical items such as ham radio equipment, computers, above ground swimming pool, satellite dish antenna, or other such residential items to be moved from a residential property, the room count may be increased for a displacee using the schedule to reflect the reasonable cost to the displacee of moving the items. The amount of the increase in room count for moving atypical items must be documented as reasonable. This can be done with estimates from movers or can be based on previous actual cost moves of similar items. The displaced resident may choose the actual cost move option for the entire move.

(4) Documentation Required for an Actual Cost Self-Move Claim

The minimum documentation needed to support an actual cost self-move claim includes receipts for all labor, materials, and services purchased, a record of the dates, number of hours worked and work performed by family members or others, and mileage records. The Specialist should advise the displaced person of the hourly rate which can be used and that no extraordinary costs should be incurred, such as for storage, without the prior approval of the State.

## CHAPTER 4. COMMERCIAL RELOCATION

### A. ABOUT COMMERCIAL RELOCATION

Businesses including nonprofit organizations and farms are not easy to move. They are all different; come in all shapes and sizes; employ one to thousands of people; can be retail, wholesale, manufacturers, or distributors; require no machinery or equipment or require massive equipment and machinery that requires building modifications; and enjoy different types of management. One is never like the next, even though they may appear similar. Moving a business is a real challenge for the displaced business owner, the Relocation Specialist, the customers and for everyone else involved. It can also be enormously rewarding when it is completed and everyone is happy.

The successful relocation of some businesses is hindered by internal limitations. Among these are:

1. Physical limitations of the owner or key employees due to age or disability.
2. Lack of expertise or skill in meeting new management demands imposed by the move. Such demands could include generating new clientele, managing a larger inventory, and training an entirely new staff.
3. Lack of funds needed to reestablish the business. Many small and some larger businesses generate only enough cash flow to support the present operation, and are not sufficiently capitalized to meet all the additional reestablishment costs that may be required.

It is important to realize that business operators suffer the same sort of human limitations and inadequacies, as do persons displaced from residences, and are often in need of individualized assistance in moving. Businesses are a community resource inasmuch as they provide services, products, and employment, so more is at stake in their reestablishment than just the personal welfare of the owner/operator.

The time for avoiding problems is as early in the planning process as it is known that a business site will be affected by a project. If it is clearly known that a large business, i.e. a manufacturing plant, a large retail store, or the like, is to be acquired, the business should be contacted and advised of the potential acquisition and subsequent displacement. The participation of the business in early decisions may enhance the overall planning process and will definitely permit the business additional time to make plans. Many of the small businesses will also benefit by being well informed.

The planning that will take place with the involved businesses may cure future problems. The determinations of which items are realty, which are owned by the tenant, and which are

personalty are basic to both the acquisition and relocation processes. It is most appropriate for the business operator, the business or building owner, if different, and the State's appraisers, Relocation Specialists, and attorneys, when necessary, to participate in these discussions and the resultant determinations.

CFR 24.103 Criteria for Appraisal states that each appraisal shall have an adequate description of the physical characteristics of the property being appraised, including items identified as personal property. The determination of realty/personalty items as part of the appraisal process ensures proper handling of such items. The result is fair compensation and/or reimbursement of relocation expenses to the owners of the respective items.

Reinstallation's of such items as an advertising sign that should have been classified as real property and acquired as realty may be avoided. Personalty/Realty decisions are difficult and must often be made on a case-by-case basis with consideration given to State law and case law precedent after consultation with the owner. The Relocation Specialist will probably be confronted with items, which are not feasible to move, items, which can be moved only with substantial modification, or items that can be moved at an expense disproportionate to value.

#### B. SEVERAL RELOCATION BENEFITS AVAILABLE

All businesses are eligible for the actual cost of moving personal property from the acquired site. They may also be reimbursed up to \$2,500.00 in the cost of searching for a replacement site.

Small businesses, farms, and nonprofit organizations may receive a reestablishment payment of up to \$10,000 for funds actually spent in relocating and reestablishing at a replacement location. A small business is one that has no more than 500 employees. If the business has more than 500 employees or does not meet other criteria and the State believes that the business should receive a reestablishment payment, a waiver may be requested.

The other payment for which a business may be eligible is the fixed payment commonly known as the "payment-in-lieu." A business may elect to receive a payment-in-lieu of not less than \$1,000 nor more than \$20,000 instead of the moving, searching, and reestablishment expense payments if it meets the criteria for this payment.

#### C. RELOCATION BENEFITS FOR BUSINESSES - GENERAL INFORMATION

The following is a list of benefits for which displaced businesses, farms, and nonprofit organizations are eligible under the Uniform Relocation Act:

- a. Relocation Advisory Assistance; and
- b. the actual costs of moving personal property, including detachment, transport,



and reinstallation costs; and

- c. incidental costs such as searching expenses, insurance, and planning expenses; and
- d. direct loss of personal property; and
- e. reestablishment costs; OR
- f. a payment-in-lieu of all the above except the Advisory Assistance.

1. Relocation Advisory Assistance

Interviews with the displaced business owners and operators should include the following items:

- a. Replacement site requirements
- b. Current lease and other contractual obligations
- c. Financial capacity of the business to accomplish the move
- d. Outside specialists to plan the move and reinstall equipment
- e. Identify personalty vs. realty
- f. Time required to vacate
- g. Difficulties in locating a replacement property
- h. Certification of citizenship

The Relocation Specialist is best prepared to service the short-term need to find a replacement site. The long term needs can best be satisfied by referring the business to other agencies and organizations that can provide specialized and long-term assistance. Organizations that can be of help are discussed in the Chapter on Communication and Advisory Services and in Exhibit A.

2. General Information About Actual Moving Costs

The business operator who has acquired a replacement site and is now anticipating the actual move usually has specific concerns about the move.

- a. How long will normal business operations be disrupted?
- b. Which moving costs are reimbursable and which are not?
- c. What if my inventory, machinery, or equipment is damaged during the move?
- d. How long will employees be idled by the move?

- e. Are the movers that provided bids for the State qualified to execute the move? Must I use those movers?
- f. How soon will I be reimbursed for moving costs?

These are legitimate concerns. Moving almost always causes a major disruption to the business operation and may even be a threat to the continued success of the business. Most business operators have limited or no prior experience in moving. The business owner perceives the State as being primarily interested in clearing the site quickly so the project can begin and in assuring that the move take place at minimum cost. These concerns may generate suspicion and lead the owner to regard the State as an adversary during the moving process when the Relocation Specialist is actually able to be of considerable assistance.

This perception by the business operator may be expressed as a reluctance to communicate about needs of the business and suspicions about proposals made by State representatives.

The State has a valid interest in assuring that the move takes place expeditiously and at a reasonable cost. It also has a responsibility to minimize the hardship and expense of the displaced business. In order to achieve these goals and gain the confidence of the business operator, it is important for the Specialist to approach the move in a systematic and orderly manner. Following the procedures discussed below can do this:

- a. The Inventory. This is a detailed itemization of the personal property to be moved. It should be prepared before any moving estimates are made. There should obviously be a physical count of the various items to be moved. Inventories based on accounting or sales records should not be relied upon as correct.
- b. Bid Specifications. These are the detailed instructions as to when and how the move will be performed. It is important that all who prepare bids or estimates on the move follow the same moving instructions. Specifications are also the basis for agreement between all parties (State, displaced person, and mover) regarding the scope of the work to be performed.
- c. Bid and Estimates. The move cost is established by securing bids or estimates prior to the move. Bids and estimates are not synonymous. A bid is a fixed price secured under competitive conditions. An estimate is an approximation of cost. The difference is significant and should be recognized in planning the move. Bids offer protection to the business and the State because they are based on open and free competition among qualified parties who are competing for business.

Some form of competition is the usual means by which public agencies procure services.

It is a misconception that formal advertised bidding procedures must always be used. There are many ways competition can be generated. For less complex moves where time is short, proposals could be solicited by mail or other means. Competitive procurement of any kind is dependent on all potential providers having access to a full and clear description of the work to be performed. Therefore, it is important that the inventory and specifications be available to all bidders.

- d. Surveillance. This is also called monitoring the move. It is the activity of observing the move while it is actually taking place. The degree of surveillance should be commensurate with the complexity and cost of the move. More complex moves may require a full time presence while low cost, simple moves may be serviced by a follow-up visit to the replacement site.

The surveillance of the move has several purposes. Most important for complex moves, the Specialist monitoring the move should determine if the move is taking place in substantial accord with the specifications. If the mover because of nonperformance of some tasks or if the inventory to be moved is substantially less than when the estimate was prepared is realizing economies, there should be a renegotiation to recover the savings for the State. If significantly more work is involved than had originally been specified, there may be an upward adjustment due. Surveillance is also helpful to the displaced person because problems, misunderstandings, and questions can be heard and resolved by the Relocation Specialist while the move is taking place.

- e. Detachment and Reinstallation Costs. Business moves may involve the relocation of large equipment that may be anchored to the floor or may require disassembling. Complex machinery may have plumbing for water or lubrication, or have interconnections with other machinery. Special installations may also be required to erect shelving or cabinets. These are all legitimate relocation costs that may be reimbursed if the items to be moved are classified as personal property. Special details, dismantling, and reinstallation instructions should always be addressed in the move specifications to assure that they are included in the bids or estimates secured from movers.

It may be necessary to significantly modify an item in order to reuse it at the new location. A common example is reinstallation of retail display cabinets. These cabinets may have been built for a particular location and may need to be shortened or lengthened to be reused at a replacement site. The cost of performing such work would be reimbursable if modifications were necessary to reinstall them in a manner that would provide the same function as at the

displacement site.

- f. Reimbursement Methods. There are a variety of reimbursement methods that can be used. The choice of method should be agreed to by the State and the displaced person prior to the move. The Relocation Specialist should be in a position to advise the displaced business on which method would be most appropriate. The following are several methods that can be considered:

- (1) Actual Cost Move by Commercial Mover. The displaced person can arrange for a licensed commercial mover to execute the move, pay the mover from business funds, and present paid moving bills to the State for reimbursement. If the State concurs in this type of move, it should take measures to assure the reasonableness of the costs. It is recommended but not required that the State always secure two bids or estimates. Low cost, uncomplicated moves can be based on a single bid or estimate. More than one mover should be invited to submit bids on complex or costly moves, and the State should give prior approval for the move to take place. The commercial move leaves great opportunity for excessive billing and conspiracy to fraud if strong administrative controls are not maintained.
- (2) Self-Move Using Lower of Two Bids or Estimates. If the displaced business desires to assume complete responsibility for the move and eliminate the documentation required by the actual cost or self-move method, a lump sum amount may be negotiated. This amount may not exceed the lower of the acceptable bids or estimates secured by the Specialist from qualified moving firms, moving specialists, consultants, or prepared by a qualified Relocation Section employee. This method will enable the business to have great flexibility as to how the move takes place. The employees of the business can do the move partly or entirely or a mover can be hired to perform all or part of the move.

An inherent problem in the self-move is assuring the adequacy of the bids or estimates. If commercial movers are called in to provide bids or estimates on a job that they have only a remote chance of getting, the prices may not be reasonable. Move specifications are also very important in this type of move. Specifications requiring extra work, special handling or premium time should have a sound basis for these costs. Monitoring during the move will disclose whether or not the specifications are followed. Adjustments should be made to the final claim prior to reimbursement if economies are realized in the actual move that were not included in the specifications.

- (3) Actual Cost Self-Move. Many displaced businesses have highly specialized inventory or equipment that its employees are best qualified to handle. Also, a business owner may want to maintain total control over the move to assure proper placement of items, to facilitate reopening, or to keep employees productive during the move. The actual cost self-move places maximum control over the move with the business. It is particularly appropriate where strict inventory control is important.

An example would be an auto parts store, where there are hundreds of small parts on shelves and bins.

3. Incidental Costs of the Business Move. There are several types of activities and corresponding expenses related to the move that can be reimbursed. Some of these costs are as follows:
- a. Searching Expenses. Up to \$2,500.00 can be reimbursed for the costs in searching for a replacement property. These costs may include direct expenses of employees of the displaced business or payments made to consultants assisting in the search. Eligible expenses may include salary, meals and lodging, travel expenses, fees paid to real estate finders, and consultants, etc. If appropriate and with prior approval of the State, searching expenses in excess of \$2,500.00 may be reimbursed.
  - b. Insurance. Property which is delicate or of high value may be insured for risk of damage during the move. If the move is performed by a commercial mover, the standard insurance limits carried by the mover should be determined, and the adequacy of these limits evaluated. The insurer may impose conditions and requirements on the move to limit risk. Examples would be that high value artwork must be transported under guard or trained technicians must handle that delicate machinery.
  - c. Planning Costs. Complex or expensive moves may need specialized consultants to plan and expedite the move. This could include services of firms that take inventories, specialized industrial consultants to develop move specifications, fees of professional movers to provide moving cost estimates, etc.
4. Direct Loss of Personal Property (DLP). The DLP payment allows the business to be paid an amount up to the cost of moving items that are not moved. It is really a substitute payment for personal property that is not moved but is disposed of by sale or trade-in. It is allowed when a displaced business is entitled to relocate the item but elects not to do so.

The direct loss option is particularly beneficial to businesses with outmoded or obsolete

equipment or materials that are bulky, heavy, or otherwise expensive to move that may have relatively low or even negative value. This benefit provides the business operator with an opportunity to upgrade and modernize the operation with equipment that has higher productivity or a longer useful life instead of merely moving the less useful items to the replacement location. A business operator may also decide to sell certain items without replacement if the items are no longer needed.

The DLP payment may only be made after a bonafide effort has been made by the displaced business to sell the item involved. The State may determine in advance that a sale is not necessary if there is obviously no market for the item.

The direct loss formula is as follows:

Actual direct loss of tangible personal property = the reasonable cost of attempting to sell the property + the lesser of the cost to move the item;

or

if the item is not replaced, the fair market value in place for continued use less the proceeds from the sale;

or

if the item is replaced, the replacement cost less the proceeds from the sale/trade-in value.

### **EXAMPLE 1.**

The owner will replace an obsolete sheet metal press with a new sheet metal press at the replacement site.

**CONDITION:** Business to be re-established, and item to be replaced

The payment will be the reasonable cost of the sale plus the lesser of:

- a. The replacement cost minus the proceeds of the sale (trade-in value when applicable),

**OR**

- b. The estimated cost to move the item of personal property to the replacement site.

### **COMPUTATION:**

Expense of sale	\$ 50
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### **PLUS lesser of**

Replacement cost	\$2,800
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<u>minus Proceeds of sale</u>	<u>\$ 850</u>
	\$1,950

**OR**

<u>Estimated cost to move</u>	<u>\$1,000</u>
Expense of sale	\$ 50

<u>Estimated cost to move</u>	<u>\$1,000</u>
Direct loss payment	\$1,050

**EXAMPLE 2.**

The owner will not replace the obsolete sheet metal press with a new metal press at the replacement site.

**CONDITION:** Business to be reestablished - item not replaced.

The payment will be the reasonable cost of the sale plus the lesser of:

- a. The fair market value for continued use of the item minus the proceeds of the sale,

OR

- b. The estimated costs to move the item of personal property to the replacement site.

**COMPUTATION:**

Expense of sale	\$ 50
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**PLUS lesser of**

Fair market value for continued use	\$1,500
<u>minus Proceeds of sale</u>	<u>\$ 550</u>
	\$ 950

OR

Estimated cost to move	\$1,000
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Expense of sale	\$ 50
<u>FMV minus Proceeds of sale</u>	<u>\$ 950</u>
Direct loss payment	\$1,000

EXAMPLE 2 may be a good illustration of where the State could determine in advance that a sale was not necessary if there were obviously no market for the obsolete sheet metal press. In such case, the press could be abandoned, and the owner could claim the lesser of the FMV for continued use at the displacement site (\$1,500) OR the estimated cost to move it to the replacement site (\$1,000.)

5. Reestablishment Expenses

A small business, farm, or nonprofit organization may be eligible to receive a payment not to exceed \$10,000 for expenses actually incurred in relocating and reestablishing that small business, farm, or nonprofit organization at a replacement site. This is in addition to actual reasonable moving and related expenses. Small businesses are defined as businesses that have not more than 500 employees working at the site being acquired or displaced by the project. Working at the site" means that the business operation is full-time and that not more than 500 employees work at that location.

Payment to a part-time business in the home, which does not contribute materially to the household income, is also excluded. See definition of "contributes materially" in the DEFINITIONS chapter for more information. The emphasis is for the payment to be made available to those who actually operate a business on or from the displacement site. On the other hand, if there is a business that does not meet the requirements but is considered by the State to be eligible, a waiver can be requested from FHWA. This payment is also available to farms and nonprofit organizations that meet the criteria.

The payment is not to exceed \$10,000, and it must be used for expenses actually incurred in reestablishing the small business, nonprofit organization, or farm at the replacement site. The reestablishment expenses must be reasonable and necessary as determined by the State. When increased operation costs at the replacement site are involved, estimates must be computed for next two years based on the best available data.

6. Payment-In-Lieu of Moving Expenses. A business owner may choose to receive a fixed payment of not less than \$1,000 and not more than \$20,000 in lieu of moving costs if certain basic eligibility criteria are met. This is called the payment-in-lieu, and it may be selected instead of reimbursement for all other moving related costs including searching expenses, storage, direct loss claims, and reestablishment expenses. In many instances the Payment-In-Lieu is greater than what the displacee would receive from actual moving, searching, and reestablishment expenses.

Computation of the payment-in-lieu is based on the average annual net earnings for the two years immediately prior to displacement.



### EXAMPLE

Date Displaced January 31, 1990

Net Income:	1989	\$ 8,000
	<u>1988</u>	<u>\$11,000</u>
	Total	\$19,000
	<u>divided by 2</u>	
	Avg Inc	\$ 9,500

The payment-in-lieu may be made whether or not the business operator relocates or discontinues the business. Intention to reestablish the business has no bearing on the eligibility requirements. Businesses should be encouraged to reestablish and should be provided advisory assistance that will help accomplish an orderly and successful relocation regardless of eligibility for a payment-in-lieu.

The payment-in-lieu option has several advantages:

- a. It is administratively simple and relieves the displacee from documenting the cost of the move and the State from reviewing detailed moving expenses.
- b. The displaced person may spend the payment in any way desired. If the payment exceeds actual moving expenses, the excess amount may help pay some of the costs that could not otherwise be reimbursed.
- c. Displaced businesses that choose not to reestablish may find the payment useful to replace lost income for a time or to cover expenses involved in discontinuing operations.

#### D. COMMERCIAL RELOCATION PROCEDURES

Promptly following initiation of negotiations for the subject property by the INDOT Buying Section (RAAP #5), the parcel will be assigned to a Relocation Specialist. If the property is occupied by other than the owner, the Specialist shall secure a list of tenants from the landlord.

Due to the similar requirements for businesses, farm operations, non-profit organizations, and signs, this section of the manual shall deal with all, simultaneously. Advertising signs are considered to be a business for certain relocation eligibility and payment purposes. However, there is supplemental information at the end of this Section to explain circumstances encountered when relocating signs.

A displacee is only eligible for one moving expense payment. However, when it is shown to be in the public interest, the State may permit a split moving payment that is interrupted by a move into and out of storage.

Where acquisition of a business, farm operation, or non-profit organization causes the owner to vacate a building or other property not purchased by the State, the additional cost of moving personal property from that location is eligible for payment.

See Exhibit B. Suggestions for Business Moves for a list of items that can be used as applicable for handling a commercial move. The suggested activities should improve understanding between the displaced entity and the Relocation Specialist, and avoid potential problem areas.

1. First Visit After Initiation of Negotiations (RAAP 10, 25, 31 & Payment Notice)

Promptly after the initiation of negotiations, the Specialist must arrange a personal visit with the displacee. During the first visit, the Specialist shall make a complete explanation of the Relocation Assistance Program and present displacee with the Notice of Eligibility, a 90-Day Notice, and a relocation brochure. (RAAP 31). The Specialist shall inform the displacee that addresses of available replacement properties that may meet his needs will be given throughout the relocation period. He shall indicate that assistance is available in procuring financing and securing bids or estimates on the cost of the move.

a. The Specialist shall

- (1) determine the displacee's eligibility for relocation benefits and payments according to the definition of a displaced person; (RAAP 13)
- (2) explain that the owner of a displaced business may be entitled to a payment for actual reasonable moving and related expenses including the expense of moving his business or other personal property; direct losses of tangible personal property in moving or discontinuing his business; actual reasonable expenses in searching for a replacement business; and certain expenses for relocating and reestablishing at a replacement site;
- (3) explain the negotiated self-move option including the two bid or two estimate requirement;
- (4) inform the displacee both verbally and in writing that the State is required by law to monitor the move by making reasonable and timely inspections of personal property at the displacement and replacement sites before and during the move to assure that cost reimbursed are actual and reasonable;

- (5) inform the displacee both verbally and in writing that the displacee must agree to the required monitoring, provide the State with a list of items to be moved, and provide the State with reasonable advance notice of the approximate starting date of the move or disposition of the personal property so the State can accomplish the required monitoring;
- (6) explain that in lieu of the payment for moving expenses as specified in (2) above; a displaced business may be eligible for a fixed payment as outlined in "Payment In Lieu of Actual Moving Expenses";
- (7) explain that a displacee must file a written claim on a State form to receive payment;
- (8) explain that the payment will be made only after the move has been accomplished. Where hardship exists, payment may be made in advance of the actual move;
- (9) explain that it is the State's responsibility to secure bids and determine the reasonable cost of the move, but that it is the displacee's responsibility to select, hire, and pay the mover; and
- (10) explain that by written arrangement among the State, the displacee, and the mover, the displacee may present an unpaid moving bill to the State for direct payment.

## 2. Eligible Actual Moving Expenses - Business Moves

The Specialist should have specific and thorough discussions with displacees to the extent necessary to determine that each displacee has an adequate understanding of eligible moving expenses. When the displacee elects to move on an actual cost basis, the following expenses are eligible for payment:

- a. Transportation of personal property to the replacement site for up to 50 miles from the displacement site. Transportation costs beyond 50 miles are not eligible unless the State determines that relocation beyond 50 miles is justified.
- b. Packing, crating, unpacking, and uncrating of personal property.
- c. Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, and substitute personal property. This also includes connection to utilities available nearby. It also includes modifications to the personal property necessary to adapt it to the

replacement structure, to the replacement site, or to the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property. Expenses for providing utilities from the right-of-way to the replacement building or improvements are not eligible for reimbursement. However, these costs may be reimbursable as reestablishment costs.

- d. Storage of personal property not to exceed 12 months when approved in advance by the State, unless the State determines that a longer period is necessary, except on the displacement site or on other real property owned or leased by the displacee.
- e. Insurance premiums for the replacement value of the personal property in connection with the move and approved storage.
- f. Any license, permit or certification required of the displaced person at the replacement location. Payment will be based on the remaining useful life of the existing license, permit, or certification.
- g. The replacement value of property that was lost, stolen, or damaged in the move through no fault or negligence of the displaced person, where insurance covering such loss, theft, or damage is not reasonably available.
- h. Professional services necessary for planning the move of the personal property, moving the personal property, and installing the relocated personal property at the replacement location.
- i. Fees paid to real estate agents or real estate brokers to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site.
- j. Time spent in obtaining permits and attending zoning hearings
- k. Provision of utilities from the right-of-way to improvements on the replacement site;
- l. Provision of utilities from the right-of-way to improvements on the replacement site;
- m. Licenses, fees and permits when not paid as moving expenses;
- n. Feasibility surveys, soil testing and marketing studies;
- o. Professional services in connection with the purchase or lease of a replacement site

- p. Impact fees or one-time assessments for anticipated heavy utility usage;
- q. Re-lettering signs and replacing stationary on hand at the time of displacement that is made obsolete as a result of the move.
- r. Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:
  - (1) The fair market value of the item for continued use at the displacement site, less the proceeds from its sale. To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the State determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price; or
  - (2) The estimated cost of moving the item, but with no allowance for storage. If the business or farm is discontinued, the estimated cost shall be based on a moving distance of 50 miles.

If a bonafide sale is not accomplished because no offer is received for the property and the property is abandoned, payment for the actual direct loss of that item may not be more than its fair market value for continued use at its location prior to displacement or the estimated cost of moving it 50 miles, whichever is less. This approach ignores the cost to the State of removing the item. The cost of removing personal property shall not be considered as an offsetting charge against other payments to the displaced person.

When personal property is abandoned with no effort being made by the owner to dispose of such property by sale, the owner will not be entitled to moving expenses or losses for the abandoned items. The displacee shall transfer to the State upon request and in accordance with applicable law, ownership of any personal property that has not been moved, sold, or traded-in.

- s. The reasonable cost incurred in attempting to sell an item that is not to be relocated. The sales prices and the actual reasonable cost of advertising and conducting the sale shall be supported by a copy of the bills of sale or similar documents and by copies of any advertisements, offers to sell, auction records, and other data supporting the bona fide nature of the sale.
- t. Purchase of substitute personal property. If an item of personal property which is

used as part of a business or farm operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:

- (1) The cost of the substitute item, including installation cost at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
- (2) The estimated cost of moving and reinstalling the replaced item, based on the lowest acceptable bid or estimate obtained by the State for eligible moving and related expenses but with no allowance for storage. The estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.

u. Searching for a replacement location. (RAAP 31)

The owner of a displaced business or farm operation may be reimbursed for actual reasonable expenses not to exceed \$2,500.00 in searching for a replacement site. Such expenses may include

- (1) transportation expenses; and
- (2) meals and lodging away from home; and
- (3) a certified statement of the time spent searching shall accompany the claim; fees paid to real estate agents or real estate brokers to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site.

All expenses claimed except value of time actually spent and mileage driven while searching must be supported by receipted bills.

v. Other moving-related expenses that are not listed as ineligible that the State determines to be reasonable and necessary e.g. telephone moves, computer system reinstallation, and business cards.

3. Ineligible Moving Expenses

The following is a non-exclusive list of expenses that are considered ineligible for reimbursement as actual moving expenses:

- a. Cost of moving any structures or other real property improvements in which the displaced person has reserved ownership.

- b. Interest on loans to cover moving expenses.
- c. Loss of goodwill, profits, or trained employees.
- d. Any additional operating expenses of a farm or business incurred because of operating at a new location, except as provided in eligible reestablishment expenses.
- e. Personal injury.
- f. Any legal fee or other cost of preparing a claim for a relocation payment or for representing the claimant before the State.
- g. Expenses for searching for a replacement dwelling.
- h. Physical changes to real property at the replacement location of a business or farm operation, except as provided in
  - (1) eligible utility connections or modifications to relocated personal property; or
  - (2) eligible reestablishment expenses.
- i. Costs for storage of personal property on real property owned or leased by the displaced person.

4. Claim Filing Time Limits

The Specialist shall explain that to claim a non-residential relocation payment, the displacee must move from or discontinue operation at the displacement location, as applicable, and submit a claim for payment within 18 months of the date of displacement or, for owners, the date of final payment for the acquisition of the real property, whichever is later.

5. Completion of Claim Vouchers

The Specialist shall properly complete the claim voucher prior to presenting it to the displacee for signature.

6. Determination of Reasonable Moving Expenses (RAAP 26, 27, 29, & 30)

The Specialist shall explain that the displacee may employ a mover to relocate his personal property or perform the moving himself. The Specialist shall make arrangements with the displacee to prepare an inventory of the personal property to be

moved. Both the Specialist and the displacee shall sign and date the inventory. If prepared by the displacee, the Specialist shall verify the accuracy of the inventory before signing it, even if this requires counting of items. The Specialist will photograph for the parcel file all personal property to be relocated. The Specialist will procure at least two bids or estimates from reputable movers to establish the reasonable amount of reimbursement or one bid or estimates for a low cost or uncomplicated move. A nonresidential move costing less than \$1,000 is considered to be a low cost move.

The Specialist shall use the following methods as applicable for determining reimbursement:

a. Actual Cost Move by Commercial Mover

Receipted bills will support all actual moving expense claims. Deviation to any significant amount of the items actually relocated from the approved inventory of the method of conducting the move used as the basis for the bid or estimate will cause the amount of payment to be adjusted accordingly.

b. Self-Move by Low Bid or Estimate

Bids or estimates obtained by the State shall be based on commercial mover rates in the area. Payments based on moving cost bids or estimates should exclude profit and overhead costs of the moving company. Qualified members of the Relocation staff other than the Specialist handling the parcel must prepare the Specialist's Estimates. A payment for a low cost or uncomplicated move (less than \$1,000) may be based on a single bid or estimate. (RAAP 29)

Bids or estimates will be based on the inventory of the personal property to be moved and will include only eligible moving expenses. (RAAP 27) Any items listed under Ineligible Moving Expenses shall not be included in the bids or estimates.

All bids, mover estimates, and Specialist's Estimates plus supportive documentation must be submitted to the Central Relocation Office prior to the amount being offered to the displacee. Supportive documentation submitted should include a copy of the inventory of items to be moved, pictures, and Specialist's Reports explaining how the bid or estimates were determined.

The move is to be conducted on the same basis and moving the same items as in the bid or estimate. Any deviation will be evaluated, and significant deviations will cause the agreed payment for a self-move to be adjusted accordingly.

After the move is completed, the amount of the approved low bid or estimate may



be paid to the displacee with no additional documentation required.

c. Actual Cost Self-Moves

If an actual cost self-move is performed, the reimbursement would be based on an actual cost accounting of labor and equipment utilized. Receipted bills or other evidence of expenses incurred must support all costs. The allowable expenses of an actual cost self-move under this provision may also include:

- (1) Amounts paid for truck and/or equipment hired.
- (2) A reasonable amount to cover gas and oil if vehicle or equipment owned by a business being moved are used, and the cost of insurance and depreciation directly allocable to hours and/or days the equipment is used for the move.
- (3) Wages paid for the labor of persons who physically participate in the move with labor costs computed on the basis of actual hours worked at the hourly rate paid, not to exceed the hourly rate paid by commercial movers or contractors in the locality for each profession or craft involved.
- (4) The amount of wages of working foremen or group leaders regularly employed by the business for time spent supervising the move.

7. Low Value/High Bulk Moves

When the personal property to be moved is of low value and high bulk, and the Cost of moving the property would be disproportionate to its value in the judgment of the displacing Agency, allowable moving cost payment shall not exceed the lesser of:

The amount which would be received if the property were sold at the site or the replacement cost of a comparable quantity delivered to the new business location. Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by the Agency.

8. Surveillance of All Moves

The Specialist shall inform the displaced business in writing as soon as possible after initiation of negotiations that the displacee must

- a. permit the State to monitor the move and make reasonable and timely inspections

of the personal property at both the displacement and replacement sites; and

- b. provide the State with a list of the items to be moved; and
- c. provide the State with reasonable advance written notice of the approximate starting date of the move or disposition of personal property at the displacement site. However, the State may waive this written notice requirement after documenting the parcel file accordingly.

The Specialist shall assure that each parcel file contains a copy of the advance written notice or a Specialists Report or letter waiving the requirement for the displacee to provide the written notice.

The Specialist shall monitor the move in a timely and orderly manner and record all pertinent information relative to relocation of the personal property from the displacement site. He shall document that the amount claimed for moving costs is justified and appropriate.

9. Direct Loss of Personal Property (DLP)

Prior to proceeding with this option, the Specialist shall review the appraisal to assure that these items (machinery or equipment, etc.) have not been acquired as part of the real estate, thereby removing them from the relocation process.

The sales price of the item and the actual cost of conducting the sale, including advertising costs, shall be supported by copies of bills of sale; advertisements, auction records, or such other data as may support the bonafide nature of the sale or attempt to sell the item.

When personal property is abandoned with no effort made by the business to dispose of the property by a bonafide sale, the business will not be entitled to moving expenses, DLP, or losses for the abandoned item(s). The business shall transfer to the State upon request and in accordance with applicable law, ownership of any personal property that has not been moved, sold, or traded in.

The cost of removing personal property shall not be used as an offsetting charge against other payments to the displaced business.

- a. Moving Low Value and High Bulk Materials. When personal property used in connection with the business is of low value and high bulk and the estimated cost of moving would be disproportionately high in relation to the value, the State may negotiate with the owner for an amount not to exceed the difference between the cost of replacement with comparable materials on the market and the amount which

would probably have been received for the materials through liquidation.

#### 10. Reestablishment Expenses

##### a. Eligible Reestablishment Expenses

Actual reestablishment expenses must be documented with paid receipts or documentation of such costs. In no event shall total reestablishment costs reimbursed to the displacee exceed the statutory maximum of \$10,000. (RAAP 32)

Reestablishment expenses must be reasonable and necessary, as determined by the State. They may include, but are not limited to

- (1) repairs or improvements to the replacement real property as required by Federal, State or local law, code, or ordinance;
- (2) modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business;
- (3) construction and installation costs for exterior signing to advertise the business;
- (4) redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting;
- (5) advertisement of replacement location.
- (6) estimated increased costs of operation during the first two (2) years at the replacement site for such items as:
  - (a) lease or rental charges,
  - (b) personal or real property taxes,
  - (c) insurance premiums, and
  - (d) utility charges, excluding on going impact fees.
- (7) other items that the State considers essential to the reestablishment of the business.

The reestablishment costs shall never exceed the \$10,000 statutory maximum.

b. Ineligible Reestablishment Expenses

The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

- (1) Purchase of capital assets such as office furniture, filing cabinets, machinery, or trade fixtures.
- (2) Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- (3) Interior or exterior refurbishments at the replacement site which are for aesthetic purposes, except as provided in paragraph (4) under Eligible Reestablishment Expenses.
- (4) Interest on money borrowed to make the move or purchase the replacement property.
- (5) Payment to a part-time business in the home, which does not contribute materially to the household income.

11. Payment-In-Lieu (PIL) of Actual Moving and Related Expenses, and Actual Reasonable Reestablishment Expenses. (RAAP 33 & 35)

The Relocation Specialist shall fully explore the possibility of a payment-in-lieu (PIL) of actual moving and related expenses and actual reasonable reestablishment expenses for any relocated or discontinued business or farm. Additional emphasis shall be placed on the Payment-In-Lieu when it will be more advantageous to the displacee.

a. Eligibility Requirements for a Payment-In-Lieu (RAAP 35)

To receive a Payment-In-Lieu, the State must determine that

- (1) the business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move, and the business vacates or relocates from the displacement site; and
- (2) the business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless the State determines that it will not suffer a substantial loss of

- its existing patronage; and
- (3) the business is not part of a commercial enterprise having more than three other entities which are not being acquired by the State, and which are under the same ownership and engaged in the same or similar type business activity; and
- (4) the business is not operated at the displacement dwelling solely for the purpose of renting the dwelling to others; and
- (5) the business is not operated at the displacement site solely for the purpose of renting the site to others; and
- (6) the business contributed materially to the income of the displaced person during the two taxable years prior to displacement.

b. Determining the Number of Businesses

When determining whether two or more displaced legal entities constitute a single business that is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which

- (1) the same premises and equipment are shared;
- (2) substantially identical or interrelated business functions are carried out and business and financial affairs are co-mingled;
- (3) the entities are held out to the public and to those customarily dealing with them as one business;
- (4) the same person or closely related persons own, control, or manage the affairs of the entities.

A business that does not contribute materially to the income of the owner or operator shall not be considered as another establishment for purposes of determining eligibility for the Payment-In-Lieu.

c. Payment Determination.

The term "average net earnings" means one-half of any net earnings of the business before Federal, State and local income taxes during the two taxable years immediately preceding the taxable year in which the business is relocated.

If the two taxable years immediately preceding displacement are not representative, average annual net earnings may be based upon a different time

period when the State determines it to be more equitable.

- (1) In Business Less Than Two Years. If the business or farm was not in operation for the full two years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site, projected to an annual rate.
- (2) Net Earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. In the case of an owner of an incorporated business, earnings shall include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation. For purposes of determining majority ownership, stock held by a husband, his spouse, and their dependent children shall be treated as one unit.
- (3) A Taxable Year is defined as any 12-month period used by the business in filing income tax returns.

d. Owner Must Provide Information (RAAP 33 & 35)

For the owner of a business to receive a Payment-In-Lieu, he must provide information to support net earnings of the business. City, county, State, or Federal tax returns for the tax years in question are the best source of this information and would be accepted as evidence of earnings. Any commonly acceptable method could be used, such as certified financial statements or an affidavit from the owner stating his net earnings providing it grants the State the right to review the records and accounts of the business. The owner's statement alone would not be sufficient if the amount claimed exceeded the minimum payment of \$1,000.

12. Payment-In-Lieu to Farm Operators

A displaced farm operator is eligible for payments as outlined previously, except for the Payment-In-Lieu. For the owner of a displaced farm operation to be entitled to a Payment-In-Lieu, the State must determine that:

- a. In the case of a total acquisition, the farm operator has discontinued his entire farm operation at the present location or has relocated the entire farm operation.
- b. In the case of a partial acquisition, the operator will be considered to have been displaced from a farm operation if
  - (1) the acquisition of part of the land caused the operator to be displaced from

- (2) the farm operation on the remaining land; or
  - (2) the partial acquisition caused such a substantial change in the nature of the farm operation that it constitutes a displacement.

The other eligibility requirements of the Payment-In-Lieu also apply to farms.

13. Payment-In-Lieu to Nonprofit Organizations

The term "existing patronage" as used for nonprofit organizations includes the persons, membership, community or clientele serviced or affected by the activities of the nonprofit organization. Such loss is assumed to occur if the organization moves unless the State demonstrates otherwise.

Any payment in excess of \$1,000 must be supported with financial statements for the two 12-month periods prior to displacement. The amount used for the payment determination is the average of two years annual gross revenues, less administrative expenses, i.e. their "operating income."

For non-profit organizations, **gross revenues** may include membership fees, class fees, cash donations, tithes, and receipts from sales or other forms of fund collection that enables the non-profit organization to operate. **Administrative expenses** are those for administrative support such as rent, utilities, salaries, advertising and other like items as well as fund raising expenses. Operating expenses for carrying out the purposes of the organization are not included in administrative expenses. The monetary receipts and expense amounts may be verified with certified financial statements or financial documents required by public agencies.

14. Subsequent Contacts of Businesses and Farm Operators (RAAP 11)

The Specialist shall monitor the relocation of personal property at the displacement and replacement sites to determine how the move is progressing. He shall also advise and assist the displacee in the preparation of an itemized expense accounting of the move in a self-move where bids were not obtainable.

When the move is complete, the Specialist shall:

- a. Conduct a post-move inspection of the replacement property to verify that the displacee did move all personal property to the new location with the exception of those items he has declared for Direct Loss of Tangible Personal Property. The approved inventory shall be used as a checklist in this inspection. Receipted bills should also be obtained at this time if an actual cost move is involved.

- b. Notify the Property Management Section of the date the subject property was vacated. In the event the displacee will be filing a claim for Direct Loss of Tangible Personal Property, the Relocation Section shall notify the Property Management Section of any remaining items of personal property on which such claim will be filed. The Specialist shall document the transfer of ownership to the State of all items not sold under the Direct Loss of Personal Property claim or otherwise abandoned by the displacee.

In accordance with all provisions and requirements for the type of claim and the documentation submitted, the Specialist shall prepare the proper claim voucher and present to the displacee for signature the fully prepared voucher as well as any other necessary certifications which must accompany the claim.

After the displacee signs the claim voucher, the Specialist shall review the displacee's file to be certain that all forms have been accurately completed. The Specialist shall also make certain that all necessary documents are included in the file.

#### E. ADDITIONAL INFORMATION ON PROCEDURES FOR ADVERTISING SIGNS

##### 1. Signs as Real Property

Advertising signs located on the property being acquired by the State and are owned by the property owner are included in the appraisal. They are purchased by the State as part of the real property or retained by the owner as part of the acquisition settlement and are not part of the personal property, thus are not eligible for relocation cost reimbursement.

##### 2. "On-Premise" Signs

In the event that a sign is located on the premises of a business that is a tenant of the displacement site, such sign shall normally be included in the inventory of personal property to be relocated and not treated separately. If the sign is included as a "tenant-owned improvement" in the acquisition offer, it will not be a relocation item.

##### 3. "Off-Premise" Signs

The owner of a displaced "off-premise" sign that is located on a leased site, i.e. a site he does not also own, may be reimbursed for reasonable expenses in relocating the sign if not paid for as a tenant-owned improvement. These expenses include

- (1) eligible actual moving expenses; or
- (2) actual direct losses of tangible personal property when he is entitled to relocate the sign but does not do so. The amount of such loss will be the lesser of:



- (a) the depreciated reproduction cost of the sign as determined by the State, less the proceeds from its sale; or
  - (b) the estimated cost of moving the sign, but with no allowance for storage.
- (3) actual reasonable expenses in searching for a replacement sign site, not to exceed \$2,500.00, as described in the previous paragraph entitled "Searching Expenses".

## CHAPTER 5. LAST RESORT HOUSING

### A. REPLACEMENT HOUSING OF LAST RESORT

The Last Resort Housing provisions of the Uniform Act were designed to assure that comparable replacement housing could be made available to a displaced person when such housing could not otherwise be provided within the person's financial means. With the issuance of the government wide common rule in 1986, last resort housing provisions became a part of the regulations. In the 1987 amendments to the law, Congress strengthened the last resort housing provisions and required justification on a case-by-case basis. The law states in Section 206(a) that "...The head of the displacing agency may take such action as is necessary or appropriate to provide such dwelling by use of funds authorized for such project...and may use this section to exceed the maximum amounts which may be paid...on a case-by-case basis for good cause..."

The requirements and methods for last resort housing are in the regulations published March 2, 1989. Since last resort housing is only necessary when sufficient comparable replacement housing is not available, increases in project costs or time may occur, it is important to develop a plan for making such housing available early in the project planning process.

Relocation planning for most projects should be designed to identify the needs for last resort housing. Particular concern should be for large families, people who are elderly or handicapped, tight or volatile housing markets, large, older dwellings or large number of substandard dwellings within the project area and similar situations. If it is determined that there is insufficient comparable replacement housing available to meet the needs of all persons displaced by a project, justification for the use of the last resort housing to meet those needs should be prepared. The method selected for providing last resort housing should be cost effective when all elements that contribute to total project costs are considered.

There are three (3) main characteristics that distinguish last resort housing from regular provisions for replacement housing.

1. Method Last resort housing enables the State to take direct action in the housing market by constructing new homes, building additions to existing homes, rehabilitating existing homes, developing special financing arrangements, etc. In contrast, the regular relocation program is limited the use of existing housing units available on the market in determining replacement housing entitlements. The last resort housing provisions permit the use of any method legal under State law that will resolve the housing problem in a cost-effective manner.
2. Monetary Limits There are no prescribed monetary limits when using last resort housing. The normal program limits of \$22,500 for owners and \$5,250 for tenants do not apply. Last resort housing is also available to occupants of less than 90 days or to any person legally in occupancy on a parcel on the date of acquisition. The monetary limits are based on the market availability of comparable housing affordable to the displaced person not exceeding 30% of his or her gross income from all sources or

available at the same price as the displacement dwelling, whichever is greater. Once last resort housing has been determined to be necessary, the State may spend whatever is necessary to provide the needed housing. This does not mean that the State is not constrained by the overall need to conserve public funds by assuring cost-effective solutions. The State should always look at a variety of options before it decides to make a large relocation payment of any kind or involve itself in a costly or time consuming solution.

3. Administrative Procedures The use of last resort housing is outside the scope of regular relocation activity and requires a special need determination. This process is usually quite simple. When the State makes the determination that there is a reasonable likelihood that the project cannot be advanced to construction and completion in a timely manner because comparable replacement housing is not available to displaced person(s), the State may, on a case-by-case basis and for good cause, be authorized to take additional measures to provide the necessary housing. If there is a general lack of availability of replacement dwellings for displaced persons, the "good cause" can be for the project rather than individual cases.

#### B. SCOPE OF HOUSING OF LAST RESORT

Last resort housing is used more frequently to resolve replacement housing problems when there is a unique housing need or when the cost of available comparable housing would result in payments in excess of the statutory payment limits of \$5,250 or \$22,500.

There have been very few projects in Indiana that have necessitated last resort housing other than payments exceeding the maximum replacement housing payments provided by law.

#### C. CONDITIONS REQUIRING HOUSING OF LAST RESORT

Last resort housing is necessitated by three broad classes of circumstances:

- 1) Displaced persons with needs for specialized or unusual housing that are not readily found in the housing market; and
- 2) Shortages or competing demands for housing which increase prices or limit the supply of units available to displaced persons; and
- 3) Displaced persons failing to meet the length of occupancy requirements.

The open-ended nature of possible last resort housing alternatives makes it impossible to provide an exhaustive list of conditions for its use. One way to illustrate how the program may be used is to consider the wide range of justifications for actual cases. The following list summarizes some of these basic situations or circumstances that may require the use of last resort housing:

1. Displacement dwelling has 5 bedrooms. No comparable available on market within

regular payment limits.

2. Large family size; few four and five bedroom homes available on the market.
3. Displacement dwelling is in area that has few properties available for sale.
4. Displacement dwelling is in area with rapidly escalating prices. Comparable dwellings within usual payments limits are no longer available.
5. Low-income family paying modest rent for a substandard unit.
5. Displaced person who is wheelchair dependent needs a house that can accommodate a wheelchair, i.e. wide doors and special kitchen and bathroom facilities.
6. Elderly person displaced from a small shed with no heat or utilities where he paid no rent and has income only from Social Security.
7. Emergency room nurse who needs to be within 15 minutes of the hospital as a condition of employment. No comparable dwelling is available within that critical radius and the financial means.
8. Family that needs an isolated yard to accommodate the needs of their emotionally disturbed child. None is available within regular benefit limits.
9. Family with a bad credit rating that can not find a landlord willing to rent to them.
10. Elderly person who is dependent on a relative living nearby for care and living needs. The only available housing was priced too high for regular payment limits.
11. Tenant of less than 90 days who is unable to afford replacement housing because the cost of all available housing exceeded thirty percent of his or her income.
12. Tenant of less than 90 days or subsequent tenants whose income is considered "low income" based on the HUD schedule. For others, the calculation will be rent to rent.

#### D. GENERAL INFORMATION ABOUT LAST RESORT HOUSING

The following generalizations can be made about the use of last resort housing:

1. Personal circumstances such as age, health, family size, etc. influence the need for last resort housing.
2. The need for last resort housing cuts across economic lines. The program is not only for displaced persons with low incomes.
3. The use of last resort housing may involve a single case on a project.

4. Where more than one case occurs on a project, these occurrences are generally due to unrelated circumstances.

#### E. METHODS USED TO PROVIDE HOUSING

Innovation and broad latitude in the choice of methods should be encouraged in the implementation of last resort housing. This program is intended to respond to unique and unusual housing needs. In many cases, the best solution may be the one that does not fit a common mold. The methods of providing last resort housing include but are not limited to:

1. Purchase, rehabilitation, or additions to an existing dwelling

The State may purchase an existing house, make any necessary repairs, and add rooms as necessary to make an existing house usable as a replacement dwelling. The house may be sold or rented to the displaced person

2. New construction.

The State may build new housing to be rented or sold to displaced persons at prices within their financial means.

3. Payments in excess of the statutory limits.

Payments in excess of the statutory limits of \$22,500 and \$5,250 may be made in lump sum or installment payments.

4. The relocation of an existing dwelling.

The State may physically move a dwelling to a location beyond the newly acquired right of way. This venture tends to be very expensive but depending on the situation may be the most cost effective of means available to the displacee.

5. Removal of barriers to the handicapped.

The State may also remove barriers to the handicapped and construct special physical structures such as wheelchair ramps.

There are innumerable variations that can be used to provide replacement housing under the last resort housing provisions. Last resort housing should be considered a useful administrative tool that can provide freedom from usual procedural constraints. It is a tool that invites innovation and creativity to solve unique or difficult replacement housing problems.

#### F. CONSIDERATIONS WHEN UTILIZING LAST RESORT HOUSING

The cost-effective use of last resort housing requires the exercise of sound judgement.. The following paragraphs describe various items that should be considered when utilizing last

resort housing.

1. The funds that the State authorizes for last resort housing are to provide housing for a displaced person. Last resort housing is a program characterized by large payments justified by a need for comparable housing that is costly to meet. The opportunity for the displaced person to utilize the funds for anything other than replacement housing should be minimized to the extent possible.
2. Contact displaced persons annually after they move. If rent is subsidized as a last resort housing method, annual installments may be established instead of a lump sum disbursement of the rental assistance payment. Escrow accounts should only be established with the consent of the displaced person that this is the most appropriate method to assure housing availability. Do not set up accounts to be paid to landlords or other persons without their written agreement to provide the selected housing and maintain it in a DS&S condition throughout the agreed period of occupancy.

An example of why follow-ups visits can be important during escrow account periods payable to landlords occurred when one relocation office established a trust account at a local bank for the routine issuance of monthly rent subsidy payments to the landlord. The house was discovered advertised for sale several weeks later without notice to the agency that caused the displacement. The rent subsidy payments would have continued to the owner after the sale if the Specialist had not discovered on the follow-up visit that the house was for sale and the tenant was scheduled for eviction.

3. Investigate the desires, needs, and intentions of the displaced person before deciding on a last resort housing method. In depth interviews should be conducted before planning replacement housing solutions. There may be several alternatives available for one or a group of displaced persons. Do not make assumptions about the acceptability of a particular housing alternative until all of the options have been explored and the feasible alternatives discussed with the displacee.
4. Coordination with other agencies able to provide assistance should be accomplished and opportunities for cooperative agreements should be explored. Local housing may be in a better position to provide and manage replacement housing situations than the State. Last resort housing projects may be contracted to other agencies for Management as well as construction. However, the State retains responsibility for the successful outcome of the relocation.
5. If appropriate and with the concurrence of the displaced person, consideration may be given to using a last resort rental assistance payment to assist in making a downpayment for replacement housing.
6. All feasible housing proposals should be discussed with the displaced person before proceeding with the plan the displacee selected. The written consent of the displaced person to accept a housing proposal should be secured before the plan is implemented. In the absence of such a written agreement, the potential exists for a substantial expenditure of funds to accomplish housing, which the displaced person may be

unwilling to accept and occupy.

7. Consideration should be given to the community impact of any housing solution. For instance, it may better serve the public for an existing house to be rehabilitated than for a new house to be constructed nearby. Rehabilitation could serve two goals, removal of a blighting influence and re-housing the displaced person. However, remember that the initial concern is furnishing comparable D&SS housing to the displaced person.
8. Do not limit consideration of housing solutions to those with minimum administrative involvement. People who are displaced often have unique needs. Housing solutions may have to be creative and individualized to meet those needs. Merely providing the displaced person with more money to spend on housing may be administratively simple, but this method may be more expensive than other housing solutions. It only addresses the specific need of higher cost while other needs go unassisted if they are present.
9. Last resort housing should be used only after all relocation benefits and services provided in the Uniform Act have been determined inadequate to meet the needs of the displacee. Last resort housing should not be a substitute for lack of lead-time or inadequate relocation advisory services. Some Specialists may tend to postpone contacts with displaced persons whose needs are more difficult to meet, i.e. large families, or a handicapped person needing a one-story replacement unit. The use of last resort housing to shore up an inefficient relocation program is wasteful and is perceived as inequitable by persons not receiving last resort housing benefits.
10. Make every attempt to identify potential last resort housing cases early. Knowing that last resort housing is a possibility may focus attention on a case early enough to enable the State to resolve the problem by intensifying the relocation assistance provided. Also, if the need for last resort housing is later confirmed, the advance planning will provide sufficient time for the State to consider a broad range of last resort housing alternatives.
11. Be aware that the personal circumstances of a displaced person can change after relocation into last resort housing. A subsequent move may be necessary due to a job opportunity in a distant location, a family illness, loss of employment, or other similar reasons. The last resort housing method should not freeze a person into a dwelling. On the other hand, the State cannot incur additional costs to subsidize a subsequent move that is not project related. To the extent feasible, the State should be willing to make benefits transferable.
12. Although it is not required, a plan should be developed that defines the needs of the displaced persons, the method of providing the necessary housing, and an explanation of the level of funding necessary. The plan is a guide for action. It can protect the program from manipulation and later charges of "making up the rules as we go along."

Replacement Housing of Last Resort should be considered during the relocation planning

process for any project with displaced persons who cannot be moved using the regular program benefits and procedures. Early planning as well as early contact of affected displaced persons should be emphasized when last resort housing is being considered on a project. Lead-time may be needed to complete the plan and avoid costly delays.

## G. LAST RESORT HOUSING PROCEDURES

### 1. Applicability

It is the Specialist's responsibility to make available a comparable replacement dwelling to enable displaced persons to relocate to their original occupancy status, i.e. tenant to tenant or owner to owner. If a change in occupancy status is desired by the displacee, that should be documented, and the Specialist will be expected to make a reasonable effort to accomplish the request just as in referrals under advisory assistance. If the optional housing is available, any Rental or Downpayment Assistance Payment (RAP or DAP) will be based on the specified option and computed accordingly when it is more cost effective to do so than computing a payment based on same occupancy status. In such a requested change of occupancy status, the replacement dwelling must adequately meet the needs of the displacee, but comparability to the displacement dwelling is not required. However, the replacement dwelling must be functionally equivalent.

A displacee cannot be required to move from his dwelling unless at least one comparable replacement dwelling is made available to him or her. The State will take additional last resort housing measures when it determines that there is a reasonable likelihood that the project will not be able to proceed to completion in a timely manner because no comparable replacement dwelling will be available on a timely basis to the person(s) being displaced. However, the last resort housing provisions described herein shall not deprive any displaced person of any rights the person may have under the Uniform Act or applicable FHWA regulations. The State shall not require any displaced person without that person's written consent to accept a dwelling provided by the State under these last resort procedures in lieu of any acquisition payment or any relocation payment for which the person may otherwise be eligible.

### 2. Replacement Housing Payments In Excess of \$22,500.

The 180-day owner is eligible for a replacement housing payment consisting of purchase price differential, increased interest costs, and closing costs. When the sum of these items is estimated to exceed \$22,500, the last resort housing provisions are applicable.

Reimbursement of closing costs and debt service fees paid out-of-pocket will usually be paid directly to the displacee. The entire balance of payments not paid directly to the displacee will be applied towards the purchase of the replacement dwelling unless the State determines otherwise.



3. Rental Assistance Payments in Excess of \$5,250.

When a rental assistance payment is expected to exceed the \$5,250 maximum, the last resort housing provisions are applicable. Last resort housing rental assistance payments in excess of \$5,250 will usually be paid on an installment basis. However, at the State's discretion, they may be paid in lump sum. Payment may be on an annual installment basis or to an escrow account with periodic payments to the landlord. The consent of the displacee and landlord is required before payment to an escrow account is selected. Since the rental assistance payment covers 42 months, the first and second installments would cover 12-month periods, and the third annual installment could include the remaining 18 months.

4. Payment To A Third Party.

Payments made under the last resort housing provisions will usually be paid to a third party other than the displacee, e.g. landlord, seller, lending institution, etc. When the State considers it prudent and in the public interest, the State may authorize a direct payment to the displacee. The Relocation Specialist will provide written explanation in the file of the reasons whenever the Relocation Manager approves a last resort housing payment paid directly to the displacee and/or a rental assistance payment paid in a lump sum.

H. DOCUMENTATION REQUIRED FOR LAST RESORT HOUSING

Relocation Agents will be required to justify all Last Resort Housing payments by applying the following criteria:

- 1) Last Resort Housing must be adequately justified either on a case-by-case basis, for good cause, which means that appropriate consideration has been given to
  - a) the availability of comparable replacement housing in the program or project area; and
  - b) the resources available to provide comparable replacement housing; and
  - c) the individual circumstances of the displaced person; or
- 2) By a determination that
  - a) there is little, if any, comparable replacement housing available to displaced persons within an entire program or project area; and, therefore, last resort housing assistance is necessary for the area as a whole; and
  - b) a program or project cannot be advanced to completion in a timely manner without last resort housing assistance; and
  - c) the method selected for providing last resort housing assistance is cost

effective, considering all elements which contribute to total program or project costs. By waiting for less expensive comparable replacement housing to become available it will be justifiable and cost effective in delaying a project.

- 3) Provide written justification to include
  - a) length of time (date and hours) spent searching for comparable housing; and
  - b) list of Real Estate agencies contacted and interviewed; and
  - c) list of properties found, to include address and list price; and
  - d) time frame for project letting; and
  - e) Individual circumstances if applicable.

## CHAPTER 6. APPEALS

### A. THE RIGHT OF A DISPLACED PERSON TO APPEAL

Appealing to the State to reconsider their eligibility for relocation assistance or the amount of their relocation payment is the right of every person who is directly affected by the INDOT Relocation Program. The best way to avoid appeals is for the Relocation Specialist and the State to make every effort to comply with the Uniform Relocation Act and applicable regulations when providing relocation assistance for a project. Relocation Specialists who know the regulations and State procedures follow them carefully and work effectively with displaced to meet their needs in accomplishing their relocation will avoid many appeals. Accurate appraisals and appropriate negotiation procedures will also assist.

In accordance with the 1987 amendments to the Uniform Act, appeal rights are no longer confined to the amount of or eligibility for payments. Persons filing appeals may be anyone who believes he or she is eligible for assistance of some kind. State law has well-established procedures in place for just compensation and negotiation concerns. Administrative settlements are also employed to resolve these issues. However, there could be appeals by persons desiring status as a displaced person or requesting assistance because of the proximity of their business or residence to the project.

Frequently, displaced persons will tell the Relocation Specialist about assistance procedures, eligibility criteria, comparables that were used, or payment amounts that were computed with which they are concerned or displeased. These items can become the subject of an appeal if they are not responded to promptly and comprehensively by the Specialist. Sometimes, a displaced person may be complaining about one thing when they are really upset about something else. Careful listening will reveal the real problem and often a resolution can be identified without entering the appeal process.

The next step is an informal appeal. This could occur if the Specialist is not able to provide resolution of the concerns in question. This would involve taking the concerns on an informal basis to a supervisor or to the manager of the relocation central office, as appropriate. A reevaluation of the relocation assistance, the selected comparable, payment computations, or of the offered services may be necessary. Occasionally, the Specialist may be presenting information to the displaced person that was prepared by someone else. Understanding the reasons for payment computations or the selection of comparables may be the clue to the Specialist being able to provide an acceptable rationale to the displaced person.

If the displaced person is still dissatisfied with the determination, they may enter the formal appeal process.

## B. APPEAL PROCEDURES

The formal appeal process occurs when a person submits a written appeal with the State. The appeal may be anything in which the displaced person believes that the State has failed to properly determine their eligibility for services or benefits. The only criteria are that the appeal be presented in writing.

The Relocation Specialist shall advise each displacee of his right to appeal any payment amount or eligibility determination with which he is dissatisfied. When a displacee indicates that he is displeased, the Specialist shall promptly furnish the displacee an appeal form and explain the appeal procedures. (RAAP 37)

The Specialist shall advise the displacee of the following:

1. An appeal must be submitted in writing and in any format the displacee chooses. However, the displacee is encouraged to use the INDOT Appeal Form. (RAAP 37)
2. The time limit to file an appeal is 60 days from the date the displaced person receives written notification of the determination by the State, the basis for its determination, and the procedures for appealing that determination.
3. The appeal may be given to a Relocation Specialist or mailed to the Relocation Manager at the Central Relocation Office. The Specialist will provide the displacee with that name and address.
4. An appeal must be submitted to the Relocation Manager within 60 days after the displacee received written notification of the situation or determination with which he is aggrieved.
5. Upon receipt of the appeal, the Relocation Manager will review the information submitted by the displacee and all other pertinent information needed to ensure a fair and full review of the appeal. The manager will usually attempt to resolve the problem through an informal discussion with the displacee.
6. If the Relocation Manager is unable to resolve the problem, the appeal together with all pertinent justification, materials, and other information needed to ensure a fair and impartial review will be forwarded to the Commissioner of the Department who will appoint an independent reviewer.
7. The displacee will be given a full opportunity to be heard throughout the appeal process.

8. The displacee has a right to review relocation files and to inspect and copy all materials pertinent to his or her appeal except for materials classified as confidential by the State.
9. The displacee has a right to be represented by legal counsel or other representative in connection with the appeal, but solely at the expense of the displacee.
10. Promptly after receipt of all information from the displacee in support of the appeal, the Administrative Law Judge will make a written determination of the appeal including an explanation of the basis on which that decision was made. The determination will be sent to the displacee with a copy to the Division of Land Acquisition. "Prompt" means not more than 60 days and preferably in 30-45 days maximum.
11. If the full relief requested by the displacee is not granted, the Administrative Law Judge will advise the displacee of his right to seek judicial review through the courts.

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## CHAPTER 7. DEFINITIONS AND GENERAL PROVISIONS

### ADVANCE PAYMENTS

If a displacee demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the State shall issue the payment subject to such safeguards as are determined appropriate by the Relocation Manager to ensure that the objective of the payment is accomplished and that the payment is recoverable by the State in the event that the displacee fails to fully complete the remaining eligibility requirements for the payment.

### ALIEN NOT LAWFULLY PRESENT IN THE UNITED STATES

This phrase means an alien who is not "lawfully present" in the United States as defined in 8 CFR 103.12 and includes:

- (i) An alien present in the United States who has not been admitted or paroled into the United States pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 *et seq.*) and whose stay in the United States has not been authorized by the United States Attorney General; and,
- (ii) An alien who is present in the United States after the expiration of the period of stay authorized by the United States Attorney General or who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States.

An alien that is not lawfully present in the United States is not eligible for relocation payments or assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, unless ineligibility would result in exceptional and extremely unusual hardship to the alien's spouse, parent or child, and such spouse, parent or child is a citizen or an alien lawfully admitted for permanent residence.

### AVAILABLE HOUSING

Shall mean that the displacee has either by himself obtained and has the right of possession of replacement housing or the State has offered him comparable decent, safe and sanitary replacement housing which is available for immediate occupancy.

### AVERAGE ANNUAL NET EARNINGS

Means one-half of any net earnings of a business or farm operation before Federal, State and local income taxes during the 2 taxable years immediately preceding the taxable year such business or farm operation was displaced or other period of time that the State determines to be more equitable. Any compensation paid by the business or farm operation to the owner, his spouse or his dependents during the 2-year period shall be included in the average annual net earnings.

### BASE MONTHLY RENT (BMR)

The lesser of:

1. The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement as determined by the State. (For an owner-occupant, this is the economic rent plus utilities for the dwelling. For a tenant who paid little or no rent for the displacement dwelling, this is the economic rent plus utilities unless its use would result in a hardship because of the person's income or other circumstances.)
2. Thirty (30) percent of the displaced person's average monthly gross household income if the amount is classified as "low income" by the U.S. Department of Housing and Urban Development's Annual Survey of Income Limits for the Public Housing and Section 8 Programs. The base monthly rental shall be established solely on the criteria in paragraph (b)(2)(i) of this section for persons with income exceeding the survey's "low income" limits, for persons refusing to provide appropriate evidence of income, and for persons who are dependents. A full time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise; or,  
(iii) The total of the amounts designated for shelter and utilities if **the displaced person is** receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.  
The U.S. Department of Housing and Urban Development's Public Housing and Section 8 Program Income Limits are updated annually and are available on FHWA's Web site at <http://www.fhwa.dot.gov/realestate/ua/ualic.htm>.
3. The total amount designated for shelter and utilities if receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.

### BID

Price stated by a person or firm to perform certain specified activities at a future date. Constitutes a commitment by the person or firm to perform those activities for the stated price if they are awarded the work.

### BREAKOUT

The part of the State's offer that was for the owner-occupied portion of a displacement residence. Used in replacement housing payment computations.

### BEFORE VALUE

The Fair Market Value of the real property before the State acquires any interest(s) in that real property.

## BUSINESS

Any lawful activity except a farm operation that is conducted

1. primarily for the purchase, sale, lease, and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or
2. primarily for the sale of services to the public; or
3. primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or
4. by a nonprofit organization that has established its nonprofit status under applicable Federal or State law.

## COMBINED CORRIDOR AND DESIGN PUBLIC HEARING

A public hearing usually associated with the improvement of an existing highway. If residents or businesses will be displaced, the Relocation Assistance Program is explained at this hearing in relation to data gathered through a Relocation Survey. Relocation brochures are made available at this hearing to anyone wishing a copy.

## COMPARABLE REPLACEMENT DWELLING

The term comparable replacement dwelling means a dwelling that is

1. decent, safe and sanitary;
2. functionally equivalent to the displacement dwelling;
3. adequate in size to accommodate the occupants;
4. in an area not subject to unreasonable adverse environmental conditions;
5. in a location generally not less desirable than the location of the displacement dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment;
6. on a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses;
7. currently available to the displaced person on the private market. However, a comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance; and

8. within the financial means of the displaced person.

If replacement dwellings meeting the above requirements are not available on the market, dwellings that exceed those requirements may be treated as comparable replacement dwellings.

#### CONCEPTUAL STAGE REPORT (CSR)

A Relocation Survey done as part of or in conjunction with the environmental study whereby certain required information is obtained by field observation and interviews on each of the proposed corridors or locations of the highway.

#### CONTRIBUTES MATERIALLY

Contributes materially means that during the two taxable years prior to the taxable year in which displacement occurs or during such other period as the State determines to be more equitable, a business or farm operation

1. had average annual gross receipts of at least \$5,000; or
2. had average annual net earnings of at least \$1,000; or
3. contributed at least 33 1/3 percent of the owner's or operator's average annual gross income from all sources.

If application of the above criteria creates an inequity or hardship in any given case, the State may approve the use of other criteria as determined appropriate.

#### CONTROL OF THE PROPERTY

Is that date(s) when

1. the fee owner receives payment from the State for the acquired property; or
2. when money has been posted in court for condemnation cases.

#### CORRIDOR

Shall mean any one, several, or combination of several proposed locations for a highway project.

#### CORRIDOR PUBLIC HEARING

A public hearing to display and discuss the various proposed corridors of a highway improvement. The Relocation Assistance Program is explained in relation to the estimated number of persons and businesses to be displaced on any of the proposed corridors. Relocation brochures are made available.

## DATE OF DISPLACEMENT

1. 180-Day Owner-Occupants. The later of the date comparable replacement housing is made available or the date final payment is received for the displacement dwelling or in condemnations, the date the amount of the just compensation estimate is deposited in court.
2. 90-Day Owner-Occupants. The later of the date of move or the date final payment is received for the displacement dwelling or in condemnations, the date the amount of the just compensation estimate is deposited in court
3. Tenants and Businesses. The date of move from the displacement site.

## DECENT, SAFE AND SANITARY DWELLING (DS&S)

The term "decent, safe, and sanitary dwelling" means a dwelling which meets applicable Federal, State and local housing and occupancy codes. However, if any of the following standards are not met by an applicable code, such shall apply unless waived for good cause by FHWA. The dwelling shall:

1. Be structurally sound, weather tight, and in good repair.
2. Contain a safe electrical wiring system adequate for lighting and other electrical devices.
3. Contain a heating system capable of sustaining a healthful temperature of approximately 70 degrees for a displaced person, except in those areas where local climatic conditions do not require such a system.
4. Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The number of bedrooms is normally given first consideration. There must be an adequate number of bedrooms for the occupants. These decisions normally involve the correlation of the age and sex of both adults and children and the appropriateness of sharing bedroom space.

There shall be a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.

5. Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
6. For a handicapped displacee, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.

## DESIGN PUBLIC HEARING.

A public hearing to graphically display and discuss the proposed highway project at which the Relocation Assistance Program is explained in relation to data gathered on the recommended corridor. Relocation brochures are made available at this hearing. A Design Public Hearing follows the Corridor Public Hearing, if held.

## DISPLACED PERSON or DISPLACEE

### A. Persons Displaced.

Any person who moves from the real property or moves his or her personal property from real property

1. as a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of, such real property in whole or in part for a project;
2. as a result of rehabilitation or demolition for a project; or
3. as a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. However, eligibility for such a displaced person applies only for purposes of obtaining relocation assistance advisory services and moving expenses.

### B. Persons not displaced.

The following is a non-exclusive listing of persons who do not qualify as a displaced person.

1. A person who moves before the initiation of negotiations, unless the State determines that the person was displaced as a direct result of the project; or
2. A person who initially enters into occupancy of the property after the date of its acquisition for the project; or
3. A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act; or
4. A person who is not required to relocate permanently as a direct result of a project. Such determination shall be made by the State in accordance with any guidelines established by FHWA.

Persons who are not displaced but are required to temporarily relocate due to a project will be treated fairly and equitably. Their temporarily occupied housing must be decent,

safe and sanitary. They will be reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation including moving expenses and increased housing costs during the temporary relocation; or

5. An owner-occupant who voluntarily sells his or her property after being informed in writing that if a mutually satisfactory agreement of sale cannot be reached, the State will not acquire the property. However, in such cases any resulting displacement of a tenant who meets the requirements of a displaced person may constitute a valid displacement in accordance with applicable regulations; or
6. A person whom the State determines is not displaced as a direct result of a partial acquisition; or
7. A person who receives a notice of relocation eligibility and is subsequently notified in writing that he or she will not be displaced for a project. Such notice shall not be issued unless the person has not moved and the State agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility; or
8. A person who retains the right of use and occupancy of the real property for life after its acquisition by the State; or
9. A person who is determined to be in unlawful occupancy prior to the initiation of negotiations, or a person who has been evicted for cause under applicable law.

#### DOWNPAYMENT ASSISTANCE PAYMENT

A replacement housing payment made to a residential tenant of 90-days or more or to a homeowner-occupant of 90-179 days who elects to purchase their replacement dwelling.

#### DUPLICATE PAYMENTS NOT PERMITTED

No relocatee shall receive any relocation payment if that person receives a payment under Federal, State, or local law, or insurance proceeds which are determined to have the same purpose and effect as such relocation payment.

#### DWELLING

The place of permanent or customary and usual residence of a person according to local custom or law including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.

### DWELLING SITE

A land area that is typical in size for similar dwellings located in the same neighborhood or rural area. (See appendix A, § 24.2(a)(11).)

### ESTIMATE

Approximate amount for which a person or firm believes certain activities can be accomplished. Making an estimate does not constitute a commitment by the person or firm to perform the activities for that amount.

### EXPENDITURE OF PAYMENTS

Payments, provided pursuant to this part, shall not be considered to constitute Federal financial assistance. Accordingly, this part does not apply to the expenditure of such payments by, or for, a displaced person.

### FAIR MARKET VALUE

The State Review Appraiser's estimate of the value of the right- of-way to be acquired and damage, if any, to the residue. This is the amount of the acquisition offer to be made to the owner of the property.

### FAMILY

Two or more individuals living together in a single family dwelling who are related by blood, adoption, marriage, or legal guardianship who live together as a family unit, plus all other individuals regardless of blood or legal ties who live with or are considered a part of the family unit, or are not related by blood or legal ties but live together by mutual consent.

### FARM OPERATION

Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing such products or commodities in such quantity as to be capable of contributing materially to the operator's support. However, in instances where such operation is obviously a farm operation, it need not contribute one-third to the operator's income for him to be eligible for relocation moving payments.

### FEDERAL AGENCY

Any Department, Agency or instrumentality in the Executive Branch of the Government, any wholly owned government corporation, and the architect of the Capitol, the Federal Reserve Banks and branches thereof.



## FEDERAL FINANCIAL ASSISTANCE OR GOVERNMENT HOUSING

A grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual.

Occupied government housing assistance before displacement; a dwelling that may reflect similar government housing assistance. In such cases any requirements of the government housing assistance program relating to the size of the replacement dwelling shall apply. (*See* appendix A, § 24.2(a)(6)(ix).)

## FUNCTIONALLY EQUIVALENT

A replacement dwelling that provides the same function, the same utility as in the displacement dwelling. A functionally equivalent replacement dwelling need not possess every feature of the displacement dwelling, but the principal features must be present. Functionally equivalent is an objective standard reflecting the range of purposes for which the various physical features of a dwelling may be used. Reasonable trade-offs for specific features may be considered when the replacement unit is "equal or better than" the displacement dwelling. For example, if the displacement dwelling contains a pantry and a similar dwelling is not available, a replacement dwelling with ample kitchen cupboards may be acceptable. Insulated and heated space in a garage might prove an adequate substitute for basement workshop space. A dining area may substitute for a separate dining room. Under some circumstances, attic space could substitute for basement space for storage purposes, and vice versa.

Only in unusual circumstances may a comparable replacement dwelling contain fewer rooms or, consequentially, less living space than the displacement dwelling. Such may be the case when a decent, safe, and sanitary replacement dwelling (which by definition is adequate to accommodate the displaced person) may be found to be "functionally equivalent" to a larger but very run-down substandard displacement dwelling.

## HOUSEHOLD INCOME

The total gross income received for a 12 month period from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income received or earned by dependent children and full time students under 18 years of age. (*See* appendix A, § 24.2(a)(14) for examples of exclusions to income.)

## HUD or DHUD

The area office or, where none exists, the regional office of the Department of Housing and Urban Development.

### INCIDENTAL EXPENSES PAYMENT

The sum of those eligible, reasonable costs customarily paid by the buyer and actually incurred by the displaced person as a result of the purchase of a replacement dwelling.

### INCREASED INTEREST PAYMENT

The amount to compensate a displaced homeowner-occupant for any increased interest costs he or she is required to pay for financing the replacement property.

### INITIATION OF NEGOTIATIONS FOR THE PARCEL

The delivery of the initial written offer by the State's negotiator to the owner or the owner's representative to purchase real property for a project for the amount determined to be just compensation, unless FHWA regulations specify a different action to serve this purpose. In any case where a person moves after the State issues a notice of its intent to acquire the real property, but before delivery of the initial written purchase offer, initiation of negotiations means the date the person moves from the property.

### MOBILE HOME

The term mobile home includes manufactured homes and recreational vehicles used as residences. (See appendix A, § 24.2(a)(17)).

### MORTGAGE

Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

### MORTGAGE INTEREST DIFFERENTIAL PAYMENT

Same as INCREASED INTEREST PAYMENT.

### MOVES AS A RESULT OF PROTECTIVE BUYING OR HARDSHIP

A person who moves from real property which is acquired for a project by protective buying or because of hardship prior to initiation of negotiations for the project. The occupancy requirements must be computed from the date of initiation of negotiations for the parcel or the date of move, whichever is earlier. When a notice of intent to acquire is issued, the date of move will be considered to be the initiation of negotiations for the parcel.

## NONPROFIT ORGANIZATION

An organization and/or business that is incorporated under the applicable laws of the State as a non-profit organization and exempt from paying Federal income taxes under Section 501 of the Internal Revenue Code.

## OWNER OF A DWELLING

A displaced person is considered to have met the requirement to own a displacement or replacement dwelling if the person holds any of the following interests in real property acquired for a project:

1. Fee title, a life estate, a 99-year lease, or a lease, including any options for extension, with at least 50 years to run from the date of acquisition; or
2. An interest in a cooperative housing project which includes the right to occupy a dwelling; or
3. A contract to purchase any interest or estates described above; or
4. Any other interest, including a partial interest, which in the judgment of the State warrants consideration as ownership.

## 180-DAY OWNER

An initial occupant who has owned and occupied the dwelling from which he is being displaced for at least 180 days immediately prior to the initiation of negotiations.

## 90-DAY OWNER

An initial occupant who has owned and occupied the dwelling from which he is being displaced for less than 180 days, but not less than 90 days immediately prior to the initiation of negotiations.

## PARTIAL ACQUISITION

The acquisition of a portion of a parcel of property.

## PAY ROOMS

For purposes of payment on the moving cost schedule, a room adequately furnished for the purpose to which the room is being used.

## PERCENT REQUIRED FOR DOWNPAYMENT

At the start of each project, the Supervisor or Specialist assigned shall survey local financial institutions engaged in home mortgages to determine the percent required as downpayment for conventional financing, i.e. an uninsured loan. The percentage given by each institution in the area shall

be averaged to the nearest whole percent to determine the average percent required as downpayment for a conventional loan.

#### PERSON

Any individual, family, partnership, corporation or association.

#### POTABLE WATER

Water suitable for drinking.

#### PRICE DIFFERENTIAL PAYMENT or PURCHASE PRICE DIFFERENTIAL PAYMENT

The difference between the acquisition price paid by the State for the displacement dwelling and the amount determined by the State as necessary to purchase a comparable dwelling or the amount actually paid by the displaced person for a DS&S replacement dwelling, whichever is less.

#### PURCHASE SUPPLEMENT

A replacement housing payment made to a 180-day homeowner-occupant which includes a price differential, an increased interest, and an incidental expenses payment.

#### RENTAL ASSISTANCE PAYMENT (RAP)

A replacement housing payment to reimburse a residential 90-day tenant or homeowner-occupant for the increased cost of renting a comparable replacement dwelling or the DS&S dwelling they actually rent, whichever is less, for a period not to exceed 42 months.

#### REPLACEMENT DWELLING

A dwelling which meets the criteria of DS&S and which may or may not be comparable to that which the displacee occupied at the time of displacement.

#### REPLACEMENT HOUSING PAYMENT (RHP)

This is a general term which encompasses purchase supplements including price differential, mortgage interest differential, and incidental expenses; rental assistance payments (RAP); and downpayment assistance payments (DAP).

#### REPUTABLE MOVER

A mover who regularly engages in a specific type(s) of personal property moving and who is in compliance with all applicable Federal, State and local laws and/or ordinances.

#### ROOM

A specifically definable area such as a bedroom, living room, kitchen, etc.

### SALVAGE VALUE

The probable sale price of an item if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

### SITE OCCUPANT

An owner or tenant in occupancy of the displacement property.

### SMALL BUSINESS

A business having at least one, but not more than 500 employees working at the site being acquired or displaced by a program or project.

### STATE

The Indiana Department of Transportation (INDOT) or comparable organization of any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, The Trust Territory of the Pacific Islands, and any political subdivision thereof, i.e. local public agency (LPA).

### STATE AGENCY

Any Department, Agency of instrumentality of a State or of a political subdivision of a State, or two or more States, or of two or more political subdivisions of a State or States.

### TENANT

One having temporary use and occupancy of real property owned by another.

### UNIFORM ACT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et. seq.; Public Law 91-646), and amendments thereto.

### UNLAWFUL OCCUPANT

A person who occupies without property right, title or payment of rent or a person legally evicted, with no legal rights to occupy a property under State law. An Agency, at its discretion, may consider such person to be in lawful occupancy.

#### UTILITY COSTS

Expenses for heat, lights, water and sewer.

#### WAIVER OF RELOCATION ASSISTANCE

No waiver of relocation assistance. A displacing Agency shall not propose or request that a displaced person waive his or her rights or entitlements to relocation assistance and benefits provided by the Uniform Act and this regulation.

#### WITHIN THE FINANCIAL MEANS OF THE DISPLACEE

1. 180-Day Owners Who Purchase Their Replacement Dwelling. A replacement dwelling is considered to be within the financial means of the 180-day homeowner if the homeowner is paid the full price differential, all increased mortgage interest costs, and all eligible incidental expenses, plus any additional amount required to be paid under the provisions of Last Resort Housing.
2. Eligible Displaced Persons Who Rent Their Replacement Dwelling. A replacement dwelling rented by an eligible displaced person is considered to be within his or her financial means if, after receiving a rental assistance payment, the person's monthly rent and estimated average monthly utility costs do not exceed the person's base monthly rental for the displacement dwelling.
3. Ineligible Displaced Persons. For displaced persons ineligible to receive a replacement housing payment because of failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if the State pays that portion of the monthly replacement housing costs which exceeds 30% of the displaced person's gross monthly household income or, if receiving a welfare assistance payment from a program that designates amounts for shelter and utilities, the total amount designated for shelter and utilities. Such rental assistance must be paid under the provisions of LAST RESORT HOUSING.

## CHAPTER 8. EXHIBITS

### EXHIBIT A

#### BENEFITS AND SERVICES AVAILABLE FROM OTHER AGENCIES

This paper contains a list of agencies available in most communities, including a description of the services and benefits provided under their respective programs. Most communities have an "Information and Referral" service that will lead the relocation counselor to appropriate public or private agencies. A local publication usually entitled, "Directory of Community Services" can also be found in many communities across the country. The information provided by the following agencies may also be helpful to you.

#### WELFARE DEPARTMENTS

(Also known in some areas as Departments of Human Resources, Departments of Social Services, etc.)

1. Financial Assistance is provided to needy persons in the form of a welfare check funded by Federal, State, and local governments. This is presently known as Supplemental Security Income (SSI).
2. Medicaid is also financed jointly by Federal and State governments and is administered by State, county, or city welfare agencies. People who cannot qualify for Medicare, or who cannot afford to pay the Medicare gaps can generally receive medical assistance through Medicaid. Medicaid is usually free to people on SSI and other public assistance programs. A needy person is not required to be on welfare to be eligible for Medicaid provided his or her income is low. The State sets its own limits and eligibility requirements, so check with your local welfare office for specific information.
3. Foster Child Care is usually available for orphaned or abandoned children. Foster parents are provided a payment to provide care for these children.
4. Day Care Centers are available for working mothers of preschool-aged children in many communities. These centers often charge according to the parents' ability to pay.
5. Aid to Dependent Children living in the home of a parent or other relative, or the payment on behalf of a child to an individual or institution is almost always available. Money for this benefit comes from State and Federal funds. To be eligible, a child must usually be deprived of parental support or care because of a parent's death, a parent's continued absence from the home, or a parent's physical or mental incapacity.
6. Nursing Homes have been established by many local jurisdictions for the ongoing care of welfare recipients and others. Check on the availability and eligibility requirements in your area.
7. Family Planning services are available in many communities for individuals of childbearing age who wish to determine the manner and spacing of their children. (For medically indigent families.)

8. Food Stamps. Although this is a federally funded program, local welfare departments administer the program for the USDA for low-income households. The amount of food stamps a family may be eligible for varies with the size of the household and the monthly income.

#### COUNTY HEALTH DEPARTMENTS USUALLY PROVIDE:

1. Clinics for medical and dental care. A variety of health services are usually offered but the services vary from area-to0-area. Contact the Health Department in your area for specific services available for county residents and eligibility requirements.
2. Public Health Nurse for home visitations to the sick or those needing health supervision and education. Contact your Health Department for availability of this service and eligibility requirement.
3. Nutrition Counseling is provided by some Health Departments for persons with dietary problems resulting from certain illnesses.

#### COMMUNITY SERVICE ORGANIZATIONS/UNITED FUND ORGANIZATIONS

Most communities have a network of voluntary human care service organizations which provide a variety of social services to assist the sick and needy. Perhaps one of the following agencies may be of assistance to one of your displacees.

National Health Agencies conduct research and provide treatment for a variety of ailments as well as rehabilitation and educational services: United Cerebral Palsy Association, American Heart Association, Arthritis Foundation, March of Dimes Birth Defects, National Kidney Foundation, Easter Seal Societies for Crippled Children and Adults, the National Multiple Sclerosis Society, and the National Red Cross.

#### Local Agencies

1. Neighborhood Centers provide educational, recreational, cultural, and social activities. A great variety of services are offered by neighborhood centers from day-care to drug education. Check with your local center for specific services available.
2. Senior Citizens Centers provide a variety of services for the elderly, however, they are primarily a central point offering contact with other people of that age group. They usually provide social and recreational activities, educational programs, health services or information, employment service or job registry, transportation programs, etc. A national nutrition program for older needy Americans known as Group Meals Services is a new experimental program usually administered by senior citizen's centers. Older persons are eligible who need improved nutrition for a variety of reasons, such as lack of knowledge of proper nutrition, inadequate facilities for preparing meals, difficulty in shopping, etc.



3. Volunteer Families are available in some communities to be of aid and assistance to families receiving public assistance. They are well briefed on the community services available and may be of assistance to a displaced family receiving public assistance.
4. Meals on Wheels is a program that usually provides two nutritious meals a day to persons at home. Eligibility varies but the program is designed to solve the nutrition program for the aged, the disabled, and the convalescents who cannot purchase or prepare adequate meals for themselves. Home delivered meals are provided under many organizational auspices and charges are usually based upon ability to pay. The program should be listed in your telephone directory.
5. The Visiting Nurse Association provides in-the-home nurse visitations, visits to day-care centers, senior-citizens centers and low-income housing projects. The visiting nurse provides health-aid care, special therapies, guidance, and counseling under the direction of the recipient's physician. The United Fund, Medicaid, Medicare, and several health plans will reimburse the Association whose fee is based on the actual cost of the visit when the patient cannot afford the cost of the service.
6. Big Brother and Big Sister Organizations have the responsibility of serving fatherless boys and motherless girls due to death, divorce, desertion, separation, imprisonment, or illegitimacy. This service provides the child with meaningful adult companionship and provides the child with opportunities to participate in recreation and social experiences. Some organizations work directly with the juvenile court to determine the need for this service.
7. The Mental Health Association provides information, referral service, and assistance to families confronted with the mental illness of one of the family members. The Association, in many areas, sponsors social centers for individuals who need ongoing and positive socializing experience. The Association provides treatment for the mentally ill and emotionally disturbed child as well as adult.
8. Drug Abuse Centers are available in most communities and all metropolitan areas. The centers provide information and counseling services for drug users and their families. The centers quite often offer a therapeutic community to which drug-dependent persons are admitted on a live-in basis. The program is usually one of total abstinence with no use of substitute drugs, providing the addict an opportunity to withdraw from both physical and mental drug dependence through comprehensive rehabilitation services and backup care.
9. Alcohol Abuse Programs include a variety of services pertaining to alcohol abuse and rehabilitation of the alcoholic. "Alcoholics Anonymous" usually participates in this program. It offers counseling, sharing, and understanding of the problems of the alcoholic on a one-to-one basis. The organization assists in locating doctors, hospital care, and financial resources for alcoholics. The service is available to both child and adult, and group service is available for family members of alcoholics.
10. Credit Counseling Services are available in most communities to help individuals and families

solve their financial problems. Professional counseling is provided for budgeting, money management, and the intelligent use of credit. In cases of over extension, a program is initiated for debt repayment acceptable to creditors and debtors. Voluntary fees from creditors as well as the client often finance credit-counseling centers. Credit ratings can often be restored or improved to the point where the formerly poor credit risk may qualify for a mortgage loan insured by one of the Federal agencies such as VA, FHA, or FmHA.

11. Family Services are available in most areas providing marital counseling, premarital counseling, and counseling for one-parent families, unmarried mothers, older adults, parent-child problems, school adjustment problems, budgeting, and family life education. Various other services may be available so check with your local family service organization.
12. Religious Social Service Organizations such as Catholic Charities, Jewish Social Service Agencies, and the Lutheran Social Services are active in many communities. Such organizations provide marital, family, and individual counseling as previously discussed under "Family Services." Foster home care, day-care centers, adoption services, child guidance services, services to the aging, retirement counseling, and emergency assistance are other services provided by religious organizations. These services are often duplications of services provided by other community organizations, but it may be the only way some families may be reached.
13. Charitable Organizations can be found in most communities across the country, the best known being "Goodwill Industries." Such organizations collect furniture, appliances, shoes, clothing, bedding, etc., and refurbish the items when possible. Distribution is made to needy families for a nominal sum or by donation to indigent families. This is an excellent source of help for low-income displacees who are in need of clothing and furniture. Charitable organizations also provide emergency financial assistance on a temporary basis to persons in need.

The "Salvation Army" is another charitable organization, which is active in most communities. This dedicated organization provides emergency finances, shelter, food, and clothing. It also provides social services for the aged, shut-ins, and problem children. Community centers provide family life education, group recreation services, counseling, physical education, and athletics. Disaster relief is also one of its many services.

#### OTHER PUBLIC AGENCIES

1. Public Housing can be found in many communities across the country. The Department of Housing and Urban Development (HUD) provides assistance in the form of project grants for low rent housing which is administered by a Local Housing Authority. The purpose of the program is to provide decent, safe, and sanitary housing for low income families at rents they can afford. The law provides that rents shall not exceed 25 percent of the adjusted rate of 1 percent per year to a maximum of 30 percent by 1985. To be eligible for public housing, a prospective tenant must meet specified income limits established by the Local Housing Authority.  
The applicant must also meet the definition of a "family" or be a single person at least 62 years

of age, disabled, or handicapped. Persons displaced by urban renewal, other government projects, or natural disaster may also be eligible. Applicants must meet other standards and priorities adopted by the Local Housing Authority, so it is important that you develop this information at the local level in order that you may know if any of your displacees are eligible for public housing.

2. The Department of Housing and Urban Development (HUD) insures lenders against losses and guarantees the mortgage lender that, in the event of default by the purchaser, HUD will honor the lender's claim after the mortgage is foreclosed and the property conveyed to HUD.

To be eligible for a HUD insured loan, a borrower must have an acceptable credit record and enough income to make the monthly payments, in addition to other recurring bills and family needs. (Includes mobile homes as well as residential units). The agency also maintains a list of HUD-owned properties that may be an additional source of available housing.

Some of the following programs may be of help in solving your relocation problems:

Section 203(b) - National Housing Act

Mortgage Insurance - Homes (The basic HUD program)

Eligibility: All families are eligible to apply.

Assistance: HUD insures lenders against loss on mortgage loans to help families undertake homeownership. The maximum amount of the loan is 97 percent of the first \$25,000 of estimated value and closing costs, plus 95 percent of the remainder. The mortgage limit on a single family home or a condominium is \$82,000 (1982).

Downpayment Example:

Appraised FMV	\$60,000	<u>Downpayment</u>
97 percent X \$25,000	\$24,250	3% .....\$ 750
95 percent X \$35,000	\$33,250	5% ..... <u>\$1,750</u>
Mortgage Amount \$57,000	\$ 2,500	
Appraised FMV	\$60,000	
Mortgage Amount	\$57,000	
Downpayment	\$ 2,500	

Mortgage Term: 30 years.

Section 203(i) - National Housing Act

### Mortgage Insurance - Homes in Outlying Areas

- Eligibility: All families are eligible to apply.
- Objectives: To help families purchase homes in outlying areas.
- Assistance: HUD insures lenders against loss on mortgage loans for single family non-farm housing or new farm housing on 2 1/2 or more acres adjacent to an all-weather public road. For most families, the maximum loan is 97 percent of the first \$25,000 of estimated value and closing costs, plus 95 percent of the remainder.
- Mortgage Term: 30 years. The term may be extended to 35 years if the mortgage is unacceptable under a 30-year term.

### Section 221(d) (2) - National Housing Act, as amended in 1954

#### Mortgage Insurance - Homes for Displaced and Low and Moderate Income Families

- Eligibility: All families are eligible to apply. Displaced families qualify for special terms.
- Objectives: To make homeownership more readily available to families displaced by urban renewal or other government actions, as well as for low and moderate income families.
- Assistance: HUD insures lenders against loss on mortgage loans. The maximum amount of the loan is 97 percent of the appraised value and closing costs. The downpayment is the difference between the maximum loan amount and the purchase price of the home plus prepaid expenses. For displaced families the downpayment required would be somewhat smaller but in no event less than \$200. The maximum insurable loans for an owner-occupant are \$31,000 for a single family home (up to \$36,000 in high cost areas). For larger families (5 or more persons), the limits are \$36,000 or up to \$42,000 in high cost areas.
- Mortgage Term: 30 years. The mortgage term may be extended to 35 or 40 years if the mortgage is unacceptable under a 30-year term.

### Section 234(c) - National Housing Act, as amended in 1961

#### Mortgage Insurance - Purchase of Condominiums

- Eligibility: All families are eligible to apply.

- Assistance: HUD insures lenders against loss on mortgage loans. The condominium must be located in a project containing 4 or more units. The maximum insurable loan for an owner-occupant is \$67,000, but may be increased to \$74,000 in high cost areas. For most families, the maximum amount of the loan is 97 percent of the first \$25,000 of estimated value and closing costs, plus 95 percent of the remainder. If the family is eligible for assistance under Section 235, the maximum loan is \$32,000 to \$38,000 (\$38,000 to \$44,000 in high cost areas) and the downpayment is 3 percent of the acquisition cost.
- Mortgage Term: 30 years. The term may be extended to 35 years if the mortgage is unacceptable under a 30-year term.

Title I, Section 2 - National Housing Act as amended

Insured Loans - Mobile Home Financing and Combination Mobile Home and Lot Loans

- Eligibility: All persons are eligible to apply.
- Objectives: To make possible the reasonable financing of a mobile home or a mobile home and lot.
- Assistance: HUD insures lenders against losses on loans. Buyers intending to use them as their principal place of residence may use insured loans to purchase manufactured mobile home units.
- The maximum amount of the loan is \$18,000 (\$27,000 if two or more modules are to be financed). The borrower must give assurance that the unit will be placed on a site that complies with FHA standards and with local zoning requirements.
- If a combination mobile home and lot is to be financed, the maximum mortgage amount is \$30,550 for a single module and developed lot (\$40,550 for two or more modules and developed lots). A low downpayment is required; usually 5 percent of the first \$3,000 and 10 percent of the remainder.
- Mortgage Term: 15 to 20 years for a mobile home only; or 20 to 25 years for a mobile home and developed lot depending upon the number of modules to be financed.

Section 235(i) - National Housing Act, as amended in 1968

## Homeownership Subsidy Program for Lower Income Families

**Eligibility:** Families, handicapped persons, or single persons 62 years or older whose income falls within established limitations. The adjusted income cannot exceed 95 percent of the median income of the area with adjustments for the size of family.

**Assistance:** The downpayment must be 3 percent of the acquisition price. Assistance payments are made monthly to the lender and may reduce the effective interest rate to as low as 4 percent, excluding the mortgage insurance premium. HUD pays the difference between the interest (market rate) on the mortgage above the 4 percent rate.

Maximum mortgage amounts, effective July 13, 1981:

- (1) \$40,000 for a single family dwelling or a 1-family unit in a condominium project, or
- (2) \$47,500 in the case of a family with 5 or more persons where a minimum of 4 bedrooms is required and housing within the \$40,000 limit is not available in the area.
- (3) In certain geographic areas where the Secretary finds higher cost levels, the dollar amount of mortgage may be increased to a maximum of (1) \$47,500, and (2) \$55,000 indicated above.

Section 8 - Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, etc.

### Section 8 - Lower Income Housing Assistance

**Eligibility:** The program is designed to help "very low income" families and "lower income" families. A "very low income" family is one whose adjusted income does not exceed 50 percent of the median income in the area. A "lower income" family is one whose adjusted income does not exceed 80 percent of the median income in the area. This criteria also applies to a single person who is elderly, displaced, disabled, or handicapped.

**Objective:** To aid lower income families in obtaining decent, safe, and sanitary housing in private accommodations, and to promote economically mixed existing, newly constructed, or rehabilitated housing.

**Assistance:** HUD provides housing assistance payments to participating private owners and Local Housing Authorities (including Indian Housing Authorities) to provide decent, safe, and sanitary housing for lower

and very low income families at rents they can afford. Housing assistance payments are used to make up the difference between the maximum approved rent due to the owner for the dwelling unit based on market rent for comparable rental units and the occupant family's required contribution towards the rent. Assisted families are required to contribute from 15 to 30 percent of adjusted income toward rent.

#### Section 231 - National Housing Act, as amended in 1959

##### Mortgage Insurance - Rental Housing for the Elderly

**Eligibility:** HUD insures lenders against loss on mortgages to investors, builders, public bodies, and non-profit sponsors for the construction or rehabilitation of rental housing designed for occupancy by elderly or handicapped individuals.

Beneficiary Eligibility - All elderly or handicapped persons are eligible to occupy apartments in the structure whose mortgage is insured under the program. An elderly person is defined as one who is age 62 or over. A handicapped person is one whose physical impairment (a) is expected to be of continued and definite duration; (b) substantially impedes his/her ability to live independently; and (c) is such that his/her ability to live independently could be improved by more suitable housing.

**Objectives:** To provide good quality rental housing for the elderly.

**Beneficiary Assistance:** The program may be used inconjunction with the Section 8 rent supplement program.

#### Section 203(b) - National Housing Act

##### Mortgage Insurance - Home for Certified Veterans

**Eligibility:** Any certified veteran may apply.

**Assistance:** HUD insures lenders against loss on mortgage loans to help veterans undertake homeownership on a sound basis. In most cases, the maximum amount of the loan is 100 percent of the first \$25,000 of estimated value and closing costs plus 95 percent of the remainder. The mortgage limit of a single family home is \$60,000 (1981).

**Mortgage Term:** 30 years.

#### Section 222 - National Housing Act, as amended

##### Mortgage Insurance - Home for Members of the Armed Services

- Eligibility:** Military personnel on active duty for 2 or more years in any Branch of the United States Armed Forces, the Coast Guard, or the National Oceanic and Atmospheric Administration may be eligible for mortgage insurance. To obtain a Section 222 mortgage, the service member must have a Certificate of Eligibility which is issued by the Branch of the Service to which he/she is assigned, certifying the individual needs housing and meets the eligibility requirements.
- Objectives:** To help members of the armed services on active duty to purchase a home.
- Assistance:** HUD insures lenders against loss on mortgage loans. The maximum insurable loan for a 1-family dwelling is \$60,000. The maximum amount of the loan is 97 percent of the first \$25,000, plus 95 percent of the remainder. The downpayment requirement is therefore 3 percent of the first \$25,000 or \$750 plus 56 percent on the remainder.
- Mortgage Term:** 30 years. In some cases, the term of the mortgage may be extended to 35 years.

#### Section 237 - National Housing Act, as amended in 1968 and 1969

##### Mortgage Insurance - Special Credit Risks

- Eligibility:** Only families who do not qualify for a mortgage under regular HUD credit standards. Families qualifying for mortgage insurance under this program must have a gross monthly income at least four times the required mortgage payment. HUD insures lenders against loss on mortgage loans under this program. The maximum insurable mortgage is \$18,000 (\$21,000 in high cost areas).
- Objectives:** To make homeownership possible for low and moderate income families who cannot meet regular HUD credit standards.
- Assistance:** The downpayment required is determined by the HUD program under which the application originates. Applications may be originated under most HUD mortgage insurance programs.
- Pre-application:** Counseling assistance must be obtained by the applicant mortgagor
- Counseling:** mortgagor from a Hud-approved counseling agency before the mortgagee may submit the application.
- Mortgage Term:** 30 years. The term may be extended to 35 or 40 years if the purchaser is unacceptable under a 30-year term.



## Title 1, Section 2 - National Housing Act, as amended

### Insured Loans - Property Improvement Loan Insurance and Construction of Non-residential Structures.

- Eligibility: HUD insures lenders against losses on loans to owners of property to be improved or a leasee having a lease extending at least 6 months beyond maturity of the loan.
- Objectives: To facilitate the financing of improvements to homes and other existing structures and the erection on new non-residential structures.
- Assistance: Insured loans may be used to finance alterations, repairs and improvements for existing structures, and the erection of new non-residential structures. The maximum amount of the loan is \$15,000 for improving a 1-family dwelling or building a non-residential structure. For improving a multifamily structure, the maximum loan amount is \$7,500 per unit, not to exceed \$37,500.
- Loan Term: 15 years or less. Banks and other qualified lenders, (HUD) insure lenders) make loans from their own funds. Insured lenders exercise credit approval of borrowers and the loan is arranged in a few days.

## Title VIII - Civil Rights Act of 1968 (Fair Housing), as amended by Housing and Community Development Act of 1974

### Equal Opportunity in Housing

- Objectives: To provide fair housing throughout the United States. The law provides individuals the right to choose housing suited to their needs and financial ability in the area in which they desire to live without discrimination because of race, color, religion, sex, or national origin.
- Assistance: The Secretary of HUD was made responsible for administering the fair housing provisions of the law, so HUD renders assistance by investigating complaints. Complaints may be sent to any HUD Regional or Area Office, any HUD Service Office, or to HUD's Washington Office. However, complaints must be filed within 180 days of the alleged violation. HUD will investigate discrimination in housing complaints, if requested, and will attempt to resolve the complaints, or refer complaints to the State or the local agency that administers a fair housing law locally.
- If HUD or the State or local agency is unable to obtain voluntary compliance, the complainant may file suit in the appropriate U.S. District Court. The Court can grant injunctive relief, award actual damages, and punitive damages up to \$1,000.

3. The Veterans Administration (VA) guarantees mortgage loans for qualified veterans. The VA guarantees the lender against any loss (the dollar amount is stipulated by law), or 60 percent of the loan, whichever is less. The VA also makes direct loans for the purchase of a home in areas where private financing is not generally available. To qualify for either an insured loan or direct loan, the veteran's income must be sufficient to meet the monthly mortgage payment and cover his/her other obligations and family expenses. The veteran must also be a satisfactory credit risk.

The VA will guarantee loans made by private lenders to veterans for financing the purchase of mobile homes, lot acquisition, and site preparation as well as homes.

4. The Farmers Home Administration (FmHA) of the U.S. Department of Agriculture guarantees mortgage loans made by private lenders and also provides for direct loans through the agency. The FmHA County Supervisor usually determines the eligibility of the applicants. One of the eligibility requirements is the inability of the applicant to obtain a loan from a private lender on terms and conditions that he/she can reasonably be expected to meet. Loans may be made for the value of the property as determined by the FmHa appraisal and approved by the Federal Housing Administration or VA. The FmHA has several rural programs available, including business and industrial loans, but the two basic types of loans are farm ownership loans and lot-to-moderate income housing loans. For more specific information, check with your FmHa County Agent.
5. The Small Business Administration (SBA) provides loans for displaced small businesses that have suffered substantial economic injury as a result of displacement or being located adjacent to a federally aided project, including State and local projects. Owners of apartment houses or other real estate held primarily for rental income are not eligible, nor are farm operations and nonprofit organizations.

There is no maximum loan amount for displaced business loans. Direct loans are available when bank participation on a guarantee basis is not available. The SBA also offers training and management assistance to help the displaced small businessman reestablish and continue his/her business.

6. Minority Business Development Agency (MBA), Department of Commerce, provides leadership to promote the establishment of and assist in the expansion of minority-owned businesses. Advisory services and counseling are available to assist minority business development. Technical and management assistance is available at no cost and includes all forms of counsel, guidance, and advice on the establishment and operation of a business enterprise. No assistance is available to finance a business venture by MBDA, however.
7. The Social Security Administration (SSA) provides a variety of services and benefits nationwide. The SSA administers three nationwide Federal programs:
  - a. Retirement Benefits begin at age 65 or age 62 on a reduced basis (widows at 60) for retired workers covered by social security.

Survivor's Benefits may be paid to the family of a deceased worker who was covered by social security. Payments can be made to unmarried children under 18, a widow under 60 if she is caring for the worker's children, widow or dependent widower 60 or older, and dependent parents 62 or older.

Disability Benefits may be paid to disabled workers and their families who are covered by social security. The worker must be unable to work. After a 5-month waiting period, a disabled worker and his/her family will receive the same amount as would be paid on retirement.

- b. Medicare - The SSA is responsible for administering the Medicare program, which provides hospital and medical insurance protection for persons who are covered by social security and are 65 years of age, and over.
  - c. Supplemental Security Income - The SSA also participates in monthly "SSI" payments to people in financial need who are 65 or older, blind, or disabled. For these three groups, the basic conditions of eligibility are specified levels of income and resources. This is a relatively new program. In 1973 the aged, blind, and disable people receiving public assistance payments from the State were converted to SSI rolls. This is not the same as social security even though the SSA administers the program through State Welfare Agencies. The money comes from the general funds of the U.S. Treasury with participation by State and local governments.
8. State Employment Office this is a public employment service for all grades of workers and employees, providing service without charge. Services to employees usually include recruitment, screening and referral, job analysis, evaluation, specifications, and skill inventories required. Vocational counseling and job placement is always part of the service. Training programs for prospective employees are often available. This office also administers unemployment compensation for qualified men and women.

This paper is not intended to be a comprehensive list of all public and private agencies providing service and financial assistance. Rather, it is a compilation of benefits that are available in most communities. It may be used as a reference guide by personnel involved in the relocation program and should be expanded to include local information for future use.

## EXHIBIT B

### Suggestions for Business Moves

1. Arrive at an early determination of realty/personalty items. One of the best methods of determining realty/personalty items is for the appraiser, relocation agent, and business operator to jointly inspect the property and mutually agree as to what is realty and what is personalty. In the absence of such a joint inspection and agreement, the relocation agent must check the realty items in the appraisal to ensure that no inventoried items to be moved were paid for as realty items in the appraisal.
2. A detailed pre-move discussion and agreement between the business displacee and the relocation agent is recommended as early as possible. Items to be discussed and, to the extent possible, agreed upon include:
  - A. Anticipated time of moving and destination (new location) of move.
  - B. Certified inventory.
  - C. An understanding as to whether there is a need for a multi-phased mover a period of time or a single-phase move.
  - D. Discussion, and decision by the business displacee, as to the type of move--commercial move, self move, actual direct loss of tangible personal property, or a combination thereof. The displacee must be made aware of and fully understand all his options.
  - E. Make sure the business displacee understands the cost items which can or cannot be reimbursed. Try to avoid misunderstandings based on assumptions the business displacee may otherwise make.
  - F. Items not to be moved may not necessarily be realty items, but may be personalty items covered under the direct loss of tangible personal property provisions. These items should be identified and arrangements made for valuation in place and separate moving estimates for each of the items. Discussions should include and explanation of options for replacement costs, if applicable, and requirements for the disposal of personalty items not to be moved and/or reinstalled.
  - G. Determine packing, crating, and unpacking and specific moving specifications required.
  - H. Determination whether storage may be needed and the reasons therefor.
  - I. Arrangement for displacee to notify the State just prior to moving so the relocation agent can verify the items to be moved.
  - J. The need for a properly documented and inventoried bill on actual cost of moves.

- K. Explanation that if the displacee's actual and reasonable self-move cost exceeds the amount negotiated on the basis of the lower of two bids/estimates, such actual and reasonable costs can be reimbursed if fully supported and documented.
3. Prepare complete, specific and precise moving specifications, i.e., a detailed agreement between the displacee and the State on exactly how the move is to be accomplished. These specifications also become the basis for the preparation of the bids/estimates. The specifications should include, as appropriate:
    - A. Order of the move.
    - B. Timing of the move.
    - C. Special handling required.
    - D. Detach and reinstallation instructions.
    - E. Inventory should be referenced.
    - F. Unique circumstances of the move.
  4. Review qualifications and experience of various moving companies, particularly in large complex business moves.
  5. Each estimator for a moving company should be furnished an inventory list and the moving specifications and be accompanied by the displacee and the relocation agent during the inspection to ensure all movers/bids/estimate on the same basis.
  6. When securing estimates for self-moves, the estimator should be informed that he will not be getting the moving contract and adequate payment made for the estimate.
  7. Bids/estimates should separately indicate the various elements of the move. This includes packing, transporting, unpacking, special handling and trade specialties such as carpentry, electrical and plumbing. If the specialty work is being bid by sub-contractors these should be referenced or attached.
  8. The bid/estimate should be sufficient detail to permit comparisons to be made on various elements with other bid/estimates. Any wide differences in bids/estimates must be discussed and reconciled, if possible, prior to the move. If a wide variance cannot be reconciled, a third bid/estimate should be secured.
  9. When a business cannot move promptly due to a delay by the State, old bids/estimates should be updated when necessary to ensure current moving costs and inventories are considered.

10. The relocation agent should check the moving inventory items at the acquired site just prior to the move and at the new site just after the move to verify that all inventoried items were actually moved, set in place, connected, etc., as provided in the bid/estimate and moving specifications and so certify by signed memorandum.
11. Recommend getting a written statement or affidavit from the displacee and mover affirming this is a State and Federal-aid project, that all the inventoried items were actually moved to the replacement site, and that no rebate was paid or received.